

# **EXHIBIT B**

INVALIDITY ANALYSIS OF JOHNSON ET AL. U.S. PATENTS 6,023,683, 6,055,516, AND 6,505,172

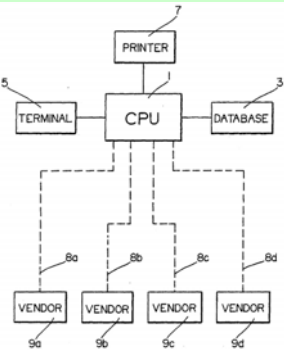
Citations to references are exemplary only and not intended to be exhaustive.  
A cell with tan shading indicated content obtained from another cell  
A cell with light green shading indicates a claim element that is anticipated by the reference in its column (possibly also asserted to be obvious)  
A cell with light yellow shading indicates a claim element that is not asserted to be anticipated by the reference in its column but is obvious  
A cell with light blue shading indicates a claim as a whole that is invalid for reasons other than §102 or §103.  
A cell with gray shading indicates matter appearing in Lawson interrogatory responses but not adopted by Dr. Shamos.  
A cell with rose shading indicates an element or step that is not found in the reference

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
172 Patent											
1. An electronic sourcing system comprising:	1P			An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors, comprising:	Invalid as indefinite. See elements 1a and 1d.	Johnson discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  The reference discloses locating items to purchase: "The host computer 10 compares the received part number to its master database of Distributor catalog items, and if it finds a match creates a data block using the data in the master database (which is in host database 20) to send back to local computer 40." 23:11-15. Also Fig. 3, box 202 and Fig. 5A, box 338. A Distributor is a "supplier."	<del>P.O. Writer is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.</del>  Locating items is disclosed at L0127525-30 (Requisitioning manual). Purchasing the located items is disclosed at L0126745-56 et seq. (Purchasing Tutorial).  Multiple vendors are disclosed: "P.O. WRITER PLUS keeps a record of your Vendors in the VENDOR MASTER FILE." L0126734	J-CON is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors (Retail) Locating items is disclosed, e.g., at L012360: "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket." Purchasing items is disclosed, e.g., at L0123459 et seq. ("Start the Sale"). (Dealer) Sourcing for inventory is disclosed, e.g., at L0123681 et seq. (Purchasing and Receiving) and, e.g., at L0123964 et seq. (Inventory Information). Multiple vendors are disclosed: "ORDER BY CODE. If the manufacturers parts are ordered from one vendor (by line) enter "L" multiple vendors (by subline), enter "S" .... If you have second and third choices for vendors enter their vendor numbers." L0125080 "Adding and Editing Vendors. Most of your vendors were added when your system was set up. When you add new vendor most prompts you receive are self explanatory." L0125142	IBM TV/2 discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors. Locating items is disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126. Finding items to purchase is disclosed: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128. Multiple vendors are disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format .... The information can include text diagrams and photographs." L0132126	King discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "This invention relates to a method and system for facilitating the ordering of items from suppliers." Abstract.  Searching for desired items is disclosed: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within" 2:32-33. "The Requester is the party who defines the need for a purchased item and has the responsibility for creating the purchase requisition. Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:40-45  Purchasing the items is disclosed: "The Customers/Requestors 102 are those who purchase products and/or services from the catalogs." 3:36-37. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:14-15	Dworkin discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "An automated system assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database. The database contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the database contains information on price, vendor, specifications and/or availability." Abstract.
						Claim 1 is anticipated by Johnson.	Claim 1 is anticipated by P.O. Writer.	Claim 1 is anticipated by J-CON.	Claim 1 is anticipated by TV/2.	Claim 1 is anticipated by King.	
a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately	1a			a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately	Indefinite because it is not clear whether each item must be associated with at least two vendors or whether it is sufficient to have two different items associated with different vendors.  Indefinite because it cannot be determined whether the selected portions must be separately searchable or whether the selected portions are searchable separately from the non-selected portions.	Johnson discloses a database comprising separate databases: "Host computer 10 performs this action by comparing the stock number (STOCK NBR) to series of databases described below in connection with cross referencing containing all valid catalog numbers which are stored in host database 20. If the stock number is not recognized, host computer creates a data block with an unrecognized product error code in step 304." 14:39-45.  The database contained data relating to items and portions could be searched separately: "In the validation step, host computer 10 checks the customer account number, item stock number (using the product type information to determine what database in host databases 20 to search) and the price against the relevant information in host database 20 to validate the data in the received purchase order data block." 18:63-19:1.	<del>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</del>  P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base." L0126576.  P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.  The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy." In the Vendor Number field, type 12345 [ENTER]." L0126552.  Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell." L0126576	<del>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by J-CON and Lawson's prior art system.</del> J-CON maintained a database of items. "J-CON's Point of Sale/total Recall uses the latest Relational Database (RDB) technology so that even the most inexperienced counterperson can quickly and accurately enter sales and print tickets." L0123449. Different portions of the database could be searched separately. J-CON's database contained products of multiple vendors. L0123693 J-CON also maintained a PartFinder database. L0123658 J-CON further made use of a PartSource database: "PartSource is a licensed product from CCI that uses Relational Database (RDB) technology to give you price sheet prices and the correct selling price for parts that are not in your JIF." L0123472.	IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.	King discloses that a supplier creates three separate catalogs: a Master Catalog; a Public Catalog; and Private Catalog, each of which is a separate database. Fig. 1 & col. 2:20-26.  Catalogs were maintained in a database: "The Public Catalogs 106 from many Suppliers 100 are loaded and maintained on a Public Database for access by Customers 102." 3:49-51. "Many Suppliers" discloses "at least two vendors"  At least two vendors (Suppliers 100) are disclosed and the catalogs may be searched separately: "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.  See also "database" in Fig. 1, box 104.	Dworkin discloses this element, as shown in Fig. 1: 
						"If, during sourcing, the host is validating a catalog number for a purportedly 03 item, it will search a series of files in host database 20. One such file may be unique to the Customer, containing the Customer's stock numbers crossreferenced to a Distributor catalog system. In the present system, the ordered item is likely not to be found in that file because (as described below) the local computer 40 will normally convert Customer stock numbers to Distributor catalog numbers using the Local Cross Reference Table before the data block is sent (see block 282 in FIG. 4C).					"The database contains information about products and/or services, and the vendors who sell them. In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers." 3:65-68. Portions of the database may be searched separately: "As shown in FIG. 3, the user has the choice of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the main function of the system, that is, to search the database for information on particular products or services."

MIL 2-SSS		MIL 2-SSS		MIL 2-SSS		MIL 2-SSS				
Asserted claim	Dep.		Equiv.		Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
means for entering product information that at least partially describes at least one desired item	1b		Function: entering product information that at least partially describes at least one desired item  Structure: user interface operating on a computer through which a user may provide input; and one or more software modules that provide product information describing an item or a combination thereof, and their equivalents. See e. g. , '172 Patent at 4:6-6:28; 7:66-8:19; 9:55-12:28; 18:23-50; FIGS. 1-2 (describing local computer 20, graphical interface 254, search program 50, interface 60, TV/2 and search program 250)		The function is disclosed in the reference. Partial information about a product, e.g., stock number, is entered.  The reference discloses a user interface operating on a computer through which a user may provide input for a search: "When the CSR enters an item code in the STOCK NBR field and hits the ENTER key, local computer 40 begins a program described in the flowchart is shown in FIG. 3. The entered stock number appears on the data screen as it is being entered. In step 201, the entered stock number is added to the appropriate field of the Requisition Item Table in local database 50 along with the associated line number. In step 202, local computer 40 searches the Part Master Table in local database 50 for the STOCK NBR that has just been entered (which can be either the Customer's stock number or." 8:40-51  See also Fig. 3 generally, and box 200.	<del>The function is disclosed in the reference. See, e.g., L0126944, which has the user entering "CAR" as a partial description of an item.</del>  <del>Fields of product information are entered via a catalog screen (user interface): "The FILE DISPLAY screen appears. The ITEM MASTER FILE can be displayed in ITEM NUMBER sequence, DESCRIPTION sequence, or in COMMODITY CODE sequence. Move the cursor to the Item Description sort and display all items whose description begins with the letter C, as shown below." L0126557. The first letter of the description at least partially describes at least one desired item, as does the item number or commodity code.</del>  <del>The display of information is performed by a software module that provides product information describing one of more items.</del>	<del>J-CON discloses a means for entering product information that at least partially describes at least one desired item. Line items (desired items) are partially described on a display screen by specifying fields of information, e.g., manufacturer code, part number, list price, unit price and/or cost. L0123471.</del>  <del>The "user interface" is the display screen.</del>  <del>In PartSource, items can be partially described via wildcards: "With PartSource you can use wild cards if you do not know the manufacturer or part number. Wild cards are characters asterisk and question mark that stand for any other character that may appear in the same place. The question mark (?) replaces anyone character, and the asterisk (*) replaces zero or more characters." L0123472.</del>	<del>TV/2 discloses a means for entering product information that at least partially describes at least one desired item. Screens are provided for receiving fields of information, such as keywords or part numbers: "simply call for the information by specifying key words such as product part numbers or names instructing the computer by selecting an icon on the screen or using the keyboard." L0132133. Partial description was supported: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for a partial string." L0132128. Fields of product information that partially describe an item are entered via a workstation, as disclosed at L0132126. The user interface includes the screen and keyboard. The software modules that provide product infomation include the search program. Note that TV/2 is part of the Court's construction of the structure corresponding to this means:</del>	<del>King discloses a means for entering product information that at least partially describes at least one desired item: "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300). If the item is found, the system will prefill the required fields of the requisition (Block 304)." 5:42-47. Searching for the item implies the ability to partially describe the item, or no search could be performed.</del>  <del>Information of the recited types can be entered: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59.</del>  <del>The software module that provides product information is the program that performs searching.</del>	Dworkin discloses a means for entering product information that at least partially describes at least one desired item: Fig. 4 shows entering a code describing a category of products, e.g. "19" for scanners. The code partially describes an item.  The user interface is terminal 5 and associated display software.
					The "one or more software modules that provide product information describing an item or a combination thereof" are the program described in Fig. 3, particularly boxes 200, 201, 202 and 204.				The user interface includes the "Catalog Query/Display for logically guiding the requestors through the available catalog data" of 2:27-28.  Fields of product information that partially describe an item are entered via screens, as shown in boxes 406 of Fig. 4. "Buyers 406 and Requestors 408 all interface to the system via workstations." 6:51-52. "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300). If the item is found, the system will prefill the required fields of the requisition (Block 304)." 5:42-47. Searching for the item implies the ability to partially describe the item, or no search could be performed.	
means for searching for matching items that match the entered product information in the selected portions of the database	1c		Function: searching for search results that match the entered product information in the selected portions of the database  Structure: search programs and modules operating on a computer system with access to data in a database or other file system, and their equivalents. See e.g., '172 Patent at 4:6-6:28; 7:66-8:19; 9:55-12:41; FIGS. 1-2; Appendices III-V and VIII (describing local computer 20, search program 50, TV/2 and search program 250)  SAME STRUCTURE AS IN MEANS IN '683 3, 6		The search programs and modules operating on a computer system with access to data in a database or other file system are the program described in Fig. 3, particularly boxes 200, 201, 202 and 204.  "The entered stock number appears on the data screen as it is being entered. In step 201, the entered stock number is added to the appropriate field of the Requisition Item Table in local database 50 along with the associated line number. In step 202, local computer 40 searches the Part Master Table in local database 50 for the STOCK NBR that has just been entered (which can be either the Customer's stock number or a valid cross-reference number such as a Distributor catalog number)." 8:42-51	<del>The reference discloses a search program, described, e.g., at L0126941-51.</del>  <del>The search is disclosed, e.g., at L0126941-5. A portion of the database matching the entered product information can be located, e.g., by specifying a CATALOGUE ID. L0126944. Search results are shown, e.g., at L0126946.</del>  <del>A file system is disclosed containing the information to be searched: "The foundation of the P.O. WRITER PLUS system is a group of 13 files, referred to as the Master Files. They contain information about what you buy, who you buy from, who does the buying, etc. Information maintained in these files is used to create a Purchase Order." L0126723</del>	<del>The reference discloses a means for searching for search results (a search program) that match the entered product information in the selected portions of the database: "PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER, you can forget those time-consuming searches through manufacturer catalogs. Instead, you can look up parts in seconds with just a few clicks of the keyboard. When you find what your customer wants, PART-FINDER puts the parts on the ticket for you." L0124897. A list of responsive search results is shown at L0124911.</del>  <del>A database is disclosed for searching: "You use PART-FINDER Maintenance to customize and update your PART-FINDER database." L0124947</del>	<del>TV/2 discloses a means for searching for search results that match the entered product information in the selected portions of the database. TV/2 searched for items using specific criteria, such as keywords or part numbers." L0132133. The following are some of the features of Technical Viewer/2: ... Search: A search facility that can locate every occurrence of a word or phrase) in either the current topic, a list of selected topics, the complete document, or another document. A global character can be used to search for a partial string." L0132128 "You can search through parts catalogues, service manuals, stock lists, schematics, user documentation, warranty information and training aids." L0132132. The "database" includes the parts catalogs being searched. Note that TV/2 is part of the Court's construction of the structure corresponding to this means.</del>	<del>King discloses a means for searching for search results that match the entered product information in the selected portions of the database. 5:42-47. "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.</del>  <del>The database comprises the catalogs, so the search program has access to data in a database.</del>  <del>Search results are disclosed in Fig. 3, box 304, in which the results are used to fill the fields of an electronic requisition.</del>	Dworkin discloses a means for searching for search results that match the entered product information in the selected portions of the database: "The system accepts a selection from the user, in block 31. The selection can be made by transmitting the number associated with the desired item." 5:35-37. See also 5:55-62.  "Thus, if the user indicates that the printer must have a letter-quality speed of 40 cps, the system will search for printers which have a letter-quality speed of 40 cps or faster." 6:7-10. Searching cannot be performed unless the criteria are communicated to the search engine.  "When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria." 6:12-14.  "Then, in block 40, the system displays the results." 6:14-15.

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
							<del>P.O. Writer enabled a user to search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item.</del> L0127525.		<del>"With Technical Viewer/2, there's no need to turn from your computer to a microfiche viewer or shelf of books when you need addition information to complete the job you're working on. Instead, simply call for the information by specifying key words such as product part numbers or names, instructing the computer by selecting an icon on the screen or using the keyboard."</del> L0132133. Search results are produced to create a "shopping list". "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133. Therefore, this means is disclosed under Plaintiff's construction.		
means for generating an order list that includes at least one matching item selected by said means for searching	1d			Function: generating a list of desired catalog items that includes at least one search result selected by said means for searching Structure: user interface operating on a computer through which a user may select from results from a search program or a search program that generates a list of desired catalog items, and their equivalents. See e.g., '172 Patent at 4:6-6:28; 7:66-8:13; 9:55-12:28; 18:23-50; Appendix VI, FIGS. 1-2 (describing local computer 20, graphical interface 254, search program 50, interface 60, TV/2 and search program 250)	Indefinite because "said means for searching" does not select any items and no recited means performs any such selection.	The construed function is disclosed in the reference. The system generates a list of desired items from the results of a search query.  The user interface operating on a computer through which a user may select from results from a search program or a search program that generates a list of desired items is the data screen from which a CSR selects search items for inclusion in a list of items to be ordered: "The CSR can then enter the quantity of the item being requisitioned in the field below the QTY label in Requisition Management data screen 68. The entered quantity will be displayed on data screen 68 and this data will be entered into the appropriate field of the Requisition Item Table in local database 50." 10:3-8. The list of desired items includes those for which non-zero quantities are entered.	<del>In response to a search, P.O. Writer returns a list from which items can be selected.</del>  Search results are selected by assigning them non-zero quantities and a list of desired catalog items is generated. L0126948. See also Fig.19-7, "Selecting/Items From The Catalogue."	<del>The reference discloses a means for generating a list of desired catalog items that includes at least one search result selected by said means for searching</del>  Desired items returned by the search program are selected for inclusion in an order list as described at L0124915: "You select a part by entering its selection number at the SELECTION field. PART-FINDER then displays the number on vehicle for the part at the QUANTITY field. If you want to sell the quantity displayed, you press <RETURN>. Otherwise, you can enter a different quantity." (3) An order list of selected items and cost data is shown at L0124916.  The user interface is a screen that displays the SELECTION field.	<del>TV/2 discloses a means for generating a list of desired catalog items that includes at least one search result selected by said means for searching:</del> A list of desired catalog items ("shopping list") is produced as described at L0132133: "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." The user interface is a screen and keyboard. Note that TV/2 is part of the Court's construction of the structure corresponding to this means.	<del>King discloses a means for generating a list of desired catalog items that includes at least one search result selected by said means for searching:</del>  Selection from search results by a user is disclosed: "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64. The "pertinent ordering information" includes the desired catalog items.  The user interface was discussed above in connection with element '172 1b.	Dworkin discloses a means for generating a list of desired catalog items that includes at least one search result selected by said means for searching.  Selecting is disclosed in the reference: "At the bottom of each screen, as shown in FIG. 7, the user is given the choice of 1) ordering a product, 2) viewing the next screen of data, if any, or 3) exiting from this part of the program. The user enters a choice, and the system accepts this input, in block 57." 7:66-8:2.  The list of desired catalog items comprises the item selected for ordering.  The user interface was discussed above in connection with element '172 1b.
means for building a requisition that uses data obtained from said database relating to selected matching items on said order list	1e			Function: building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items  Structure: requisition module operating on a computer system having access to data in the database, and its equivalents. See e.g., '172 Patent at 1:30-40; 3:7-28; 6:45- 7:3; 7:41-8:19; FIGS 1-3 (describing various embodiments of requisition modules including requisition/purchasing system 40, requisition management ("REQI" ) module 44A and requisition maintenance program 44C) NOTE: SAME AS MEANS IN '683, 3, 6		The reference discloses building a requisition using data obtained from a database relating to items on a list of desired catalog items  "By accessing its respective database, each computer can build and transmit to the other computer communications blocks of data relating to a particular requisition of an item in Just-in-Time (JIT) inventory or to the management of the JIT inventory." Abstract.  The data is used to build a requisition: "The other computer can then use the received data to continue processing of the requisition or to update its JIT inventory records. Thus requisition records are created from a realtime interaction between the host and local computers, with each computer using data from its respective database in conjunction with information entered by a Customer Service Representative (CSR) operating the local computer." Abstract.  The "requisition module" comprises the software that performs these functions.	<del>The reference discloses building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.</del>  A requisition module performs the following steps: "While a list responsive to a search is being displayed, as shown at L0127530, the user can hit F7, which causes data relating to selected matching items to be transferred to a requisition program, which is the module that, in response to F7, creates a requisition. The data is then used to build a requisition, as described in the citations for element 1d, above and at L0127531-36.	<del>The reference discloses a means for building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.</del>  The reference discloses transferring data relating to selected matching items included on an order list to a requisition module: "When you return to Point Of Sale from PART-FINDER, J-CON automatically places all parts you selected with PART-FINDER on a ticket." L0124919. The ticket causes a purchase order for parts needed by a customer to be generated (built) when the ticket is finalized: "Only when the held ticket is finalized does J-CON process it." L0124797. The ticket is the requisition.  The requisition module has access to data in the database: "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts customer wants and put them on the ticket." L0123601.	<del>TV/2 discloses a means for building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items:</del>  Data related to selected items is sent to a parts ordering system (requisition module): "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133.  The requisition module has access to data in the database, e.g. the order list is built from the exploded parts diagram referred to at L0132133.	<del>King discloses a means for building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items:</del>  The requisition module is the software that receives "pertinent ordering information": "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.  The "pertinent ordering information" comes from the database, so the requisition module has access to data in the database.	Building requisitions is not disclosed in Dworkin. Nevertheless, it would have been obvious to use the product search and selection mechanism of Dworkin to build requisitions, as suggested, e.g., by Fisher RIMS, PO Writer, Gateway, J-CON, TV/2, King Jr. or Doyle.



MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
means for processing said requisition to generate purchase orders for said selected matching items.	1f			Function: processing a requisition to generate purchase orders for requisition items  Structure: purchase order generation module operating on a computer system having access to the requisition, and its equivalents. See e.g., '172 Patent at 1:42-55; 3:23-28; 10:53-55; 15:39-61; FIGS 1-3 (describing systems and processes that operate to generate purchase orders including requisition/purchasing system 40)  NOTE SAME AS MEANS IN '683 3, 6	Plaintiff's proposed construction is incorrect because there is no disclosure whatsoever in the cited passages of "based on predetermined rules relating to the user's preference." Further, the words "rule" and "preference" do not appear anywhere in the specification.	Fig. 5A shows generating different purchase orders from the same requisition depending on "product type." Block 332.  As described in the diagram FIGS. 5A and 5B, for items of product types 01, 03 and 04, local computer 40 uses Purchase Order Build Program 112 to create a purchase order between the Customer and the Distributor from the data in the Requisition Header and Item Tables." 17:37-42.  "For items of product type 06, a Purchase Order record internal to the Customer may be created at this stage, recording a sale from the Customer's purchasing department to the requisitioning department or account, for later use by the Customer's host computer in making accounting adjustments." 17:44-49.  "In step 338, local computer 40 creates and transmits to host computer 10 a purchase order data block containing at least the customer account number (ACCT-NBR) and Requisition Number (REQ NBR) from the Requisition Header Table and 10 the line number (LINE), item stock number (STOCK NBR), quantity to be purchased (QTY), unit of measure (UM), product type (PT),	<del>The reference discloses a purchase order generation module operating on a computer system having access to the requisition.</del>  <del>The user causes a purchase order to be generated from a requisition at least when the user enter "P" or "U" as described at L04127535 to transmit the requisition to Purchasing.</del>  <del>P.O.-Writer enabled a purchase order to be created from the requisition list by pressing F4. L0126950. Generating purchase orders from requisitions is also shown at L0126969. Requisitions including items purchased from different vendors were split into different purchase orders by vendor. L0126976. "Requisitions can be turned into Purchase Orders (or Requests for Quotes) on a one-to-one basis. Requisitions can also be consolidated or split automatically."</del> L0126966.	<del>The reference discloses a means for processing a requisition to generate purchase orders for requisition items.</del>  <del>A purchase order generation module for generating purchase orders is disclosed at L0125131-3, e.g., "Once you fine-tune the buying instructions that you've set up for J-CON you can let J-CON automatically compute and send POs during End-of-Day EOD." L0125131. "You can set up J-CON to automatically compute POs during EOD. You can also set it to automatically transmit POs to vendors who use A-DIS." L0123693</del>  <del>The module has access to the requisition (ticket): "When you compute PO for pdmai y or alternate vendor J-CON checks each manufacturer to see which ones should be ordered from the vendor. It then checks every part from each of those manufacturers to see which ones need to be ordered."</del> L0123695	TV/2 discloses a means for processing a requisition to generate purchase orders for requisition items: "For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133. The parts list is the requisition. Sending the requisition to the parts ordering system (purchase order generation module) gives it access to data in the database.	King discloses a means for processing a requisition to generate purchase orders for requisition items: "If approved the requisition will be routed to the company's procurement system (Block 312) for items ordered from the Private Catalog. For items not from the Private Catalog, the requisition goes to the Buyer for completion of the requisition and approval of the Supplier (Block 314)." 5:59-64.	No requisition is disclosed in Dworkin. However, as discussed above, it would have been obvious to use Dworkin to produce requisitions.  The order module of Dworkin generates purchase orders. A "predetermined rule," e.g. is that a user can set up the system so he need not enter a name and address each time a product is ordered. 8:20-24.
						net unit price (UNIT PRICE) and net total price (EXT PRICE) from the Requisition Item Table." 18:31-40.  The patents-in-suit recognize that purchase orders for type 06 products constitute a separate purchase order from purchase orders for other type products:  "Once a requisition has been inventory sourced and accepted by the CSR, it can be converted to one or more purchase orders, as represented by step 114 in FIG. 3. For example, the requisition represented by the Requisition Item Table 46 of Appendix IX, if accepted without further revision by pressing function key F6 ("ACCEPT"), would result in the generation of the following three purchase orders: A. Line 002 would be ordered from on-site distributor-owned inventory; B. Line 004 would be ordered from on-site customer-owned 50 inventory (a transfer internal to the customer); and C. Lines 001 and 003 would be ordered, respectively, from Distributor's "DEL and "EDC" warehouses." '683 patent, 15:39-41				To the extent that this step is alleged to be disclosed in the '172 patent, it is also disclosed in reference: "The Electronic Requisition facility is used by the Customer/Requestors to electronically create purchase requisitions based upon the information provided in the catalogues and route the requisitions through the appropriate approval process within the enterprise. Requisitions are then processed through the customer's procurement system and transmitted electronically as purchase orders to Suppliers." Abstract. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:11-15.	
'516 Patent											
1. An electronic sourcing system comprising:	1P			An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors, comprising:  Invalid as a hybrid claim impermissibly mixing method steps and apparatus elements.—See element 1d.  Indefinite. See elements 1b, 1c, 1d.  Invalid as lacking written description. See elements 1b, 1c, 1d, 1e.  Invalid as not enabled.—See element 1d.	Invalid as a hybrid claim impermissibly mixing method steps and apparatus elements.—See element 1d.  Indefinite. See elements 1b, 1c, 1d.  Invalid as lacking written description. See elements 1b, 1c, 1d, 1e.  Invalid as not enabled.—See element 1d.	Johnson discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  The reference discloses locating items to purchase: "The host computer 10 compares the received part number to its master database of Distributor catalog items, and if it finds a match creates a data block using the data in the master database (which is in host database 20) to send back to local computer 40." 23:11-15. Also Fig. 3, box 202 and Fig. 5A, box 338. A Distributor is a "supplier."	P.O. Writer is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  Locating items is disclosed at L0127525-30 (Requisitioning manual). Purchasing the located items is disclosed at L04126745-56 et seq. (Purchasing Tutorial).  Multiple vendors are disclosed: "P.O.-WRITER PLUS keeps a record of your Vendors in the VENDOR MASTER FILE." L0126731	J-CON is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors (Retail) Locating items is disclosed, e.g., at L012360: "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket." Purchasing items is disclosed, e.g., at L0123459 et seq. ("Start the Sale"). (Dealer) Sourcing for inventory is disclosed, e.g., at L0123681 et seq. (Purchasing and Receiving) and, e.g., at L0123964 et seq. (Inventory Information). Multiple vendors are disclosed: "ORDER BY CODE. If the manufacturers parts are ordered from one vendor (by line) enter "L" multiple vendors (by subline), enter "S".... If you have second and third choices for vendors enter their vendor numbers." L0125080 "Adding and Editing Vendors. Most of your vendors were added when your system was set up. When you add new vendor most prompts you receive are self-explanatory." L0125142	IBM TV/2 discloses and electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "This invention relates to a method and system for facilitating the ordering of items from suppliers." Abstract.  Searching for desired items is disclosed: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within" 2:32-33. "The Requester is the party who defines the need for a purchased item and has the responsibility for creating the purchase requisition. Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:40-45  Purchasing the items is disclosed: "The Customers/Requestors 102 are those who purchase products and/or services from the catalogs." 3:36-37. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:11-15	Dworkin discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "An automated system assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database. The database contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the database contains information on price, vendor, specifications and/or availability." Abstract.	
						Claim 1 is anticipated by Johnson.	Claim 1 is anticipated by P.O. Writer.	Claim 1 is anticipated by J-CON.	Claim 1 is obvious in light of TV/2.	Claim 1 is anticipated by King.	Claim 1 is anticipated by Dworkin

Asserted claim	Dep.		Equiv.				MIL 2-SSS	MIL 2-SSS		MIL 2-SSS	
a collection of catalogs of items stored in an electronic format;	1a			a collection of organized collections of items and associated information, published by a vendor (which includes suppliers, manufacturers, and distributors), which preferably includes a part number, price, catalog number, vendor name, vendor ID, a textual description of the item, and images of or relating to the item stored in an electronic format;		<p>Shamos Opinion re Johnson et al. 5,712,989</p> <p>Johnson has a collection of organized collections of items and associated information (catalogs) stored electronically in a database: "Each item record preferably includes information such as Distributor's catalog or part number for the Product, Distributor's list price, Distributor's current cost, Distributor's Insupplier (vendor) for the Product and a code identifying the Product as part of a product grouping to be treated similarly for customer discounting purposes." 3:24-29.</p> <p>The catalog is published by a vendor (Fisher).</p> <p>The collection is maintained in a database (electronic format). The database contains information about products of multiple vendors: "Host database 20 also includes data regarding Distributor's cost, prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." 3-62-65. This information about the products of third-party suppliers/vendors is also published by a Distributor/vendor.</p>	<p>Shamos Opinion re P.O. WRITER</p> <p>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</p> <p>P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base." L0126575.</p> <p>P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless. or any other vendor you would like to select." L0126552.</p> <p>The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: - In the Vendor Number field, type 12345 [ENTER]." L0126552.</p> <p>Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell." L0126575</p>	<p>Shamos opinion re J-CON</p> <p><del>The J-CON system maintained automotive parts information from multiple manufacturers and multiple vendors in an electronic database, including such information as part number, auto make, model, and year, engine size, subassembly, product description, inventory status, price, manufacturer, distributor(s), and unit of measurement. The J-CON system included the information previously maintained by automotive parts stores in a large collection of printed automotive parts catalogs.</del></p> <p><del>"PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER you can forget those time consuming searches through manufacturer catalogs"</del>L0124897.</p> <p><del>Changing catalogs is described at L0124922. Therefore, J-CON included a collection of catalogs.</del></p>	<p>Shamos opinion re IBM TV-2</p> <p><del>IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format."</del>L0132126.</p>	<p>Shamos Opinion re King Jr. et al. 5,319,542</p> <p>King discloses that a supplier creates a collection of three separate catalogs for searching: a Master Catalog; a Public Catalog; and Private Catalog. Fig. 1, 2:20-26; 7:5-29. The catalogs are published by suppliers. 3:15-56.</p> <p>"Referring to FIG. 2, the Electronic Catalog consists of the Supplier Master Catalog 108, the Public Catalog 106 and the Private Catalog 110." 3:61-63.</p> <p>The catalogs include data about items: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59.</p>	<p>Shamos Opinion re Dworkin U.S. Patent 4,992,940</p> <p><del>Dworkin discloses this element, as shown in Fig. 4:</del></p> <p><del>"In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers. 3:66-68. See also '172 claim 4c."</del></p>
						Also, to the extent that ePlus reads the limitation to be met by Lawson's present system, i.e. it is sufficient to have products from multiple vendors in the database, the limitation is also met by Johnson.					
a first set of pre-determined criteria associated with said collection of catalogs;	1b			a first set of pre-determined criteria associated with said collection of organized collections;	<p><del>"criteria" are not an apparatus element. Therefore, this claim is non-statutory.</del></p> <p>"pre-determined" is indefinite as no event or time before which said determination must be made is recited. As this is an apparatus claim, any such criteria would have to be determined at the time the apparatus is made, and there is no written description of any such criteria.</p> <p>No "pre-determined criteria" as claimed in this element are described in the specification. To the extent this limitation has any meaning, element 1d appears to restrict it to catalog selection criteria.</p> <div>May MTS</div>	<p>To the extent that ePlus reads the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by Johnson and Lawson's prior art system.</p> <p>If "first set of pre-determined criteria" means restriction to products of specific vendors, then searches may be limited by vendor number. 10:39-50; 15:14-26. Searches may also be limited by Distributor warehouse. 22:36-47.</p> <p>Johnson taught the use of multiple databases that could be searched separately. For example:</p> <p>"In the validation step, host computer 10 checks the customer account number. item stock number (using the product type information to determine what database in host databases 20 to search) and the price against the relevant information in host database 20 to validate the data in the received purchase order data block." 18:63-19:1.</p>	<p>If "first set of pre-determined criteria" means restriction to specific catalogs, then searches may be limited by CATALOGUE IDs. L0127525.</p>	<p><del>To the extent that ePlus contends the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by J-CON and Lawson's prior art system.</del></p> <p><del>If "first set of pre-determined criteria" means restriction to specific catalogs, then searches may be limited by manufacturer. "You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFCS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search."</del>L0123624.</p>	<p><del>If "first set of pre-determined criteria" means restriction to specific catalogs, then the pre-determined criterion is the set of catalogs to be searched, which is under user control: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string."</del>L0132128.</p>	<p>If "first set of pre-determined criteria" means restriction to specific catalogs, then the pre-determined criterion is the identity of the catalog to be searched, which is under user control: "The Public Catalog contains the following functional features: Catalog Query/Display for logically guiding the requestors through the available catalog data; a Customer preferred path controller which directs the user to preferred Supplier catalogs thereby permitting customers to select products at prenegotiated discounts." 2:26-31.</p>	<p><del>If "first set of pre-determined criteria" means restriction to specific catalogs, then the pre-determined criterion is the general type of product or service to be located, as shown in Fig. 3.</del></p>
a second set of pre-determined criteria associated with items from each of said catalogs;	1c			a second set of pre-determined criteria associated with items from each of said organized collections;	<p><del>"criteria" are not an apparatus element. Therefore, this claim is non-statutory.</del></p> <p>"pre-determined" is indefinite as no event or time before which said determination must be made is recited. As this is an apparatus claim, any such criteria would have to be determined at the time the apparatus is made, and there is no written description of any such criteria.</p> <p>No "criteria" as claimed in this element are described in the specification. There is no written description of any "second set of pre-determined criteria" that is different from a "first set of pre-determined criteria."</p> <p>To the extent this limitation has any meaning, element 1d appears to restrict it to item selection criteria.</p> <div>May MTS</div>	<p>If "second set of pre-determined criteria" means restriction to types of items, then items may be searched by catalog number (item number in a catalog) or reference number. 8:16-21; 8:25-29.</p> <p>To the extent that ePlus reads the limitation to be met by Lawson's present system, i.e., that the ability to limit searches to specific items types is sufficient, then the limitation is also met by Lawson's prior art system.</p>	<p>If "second set of pre-determined criteria" means restriction to types of items, then items can be searched by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. L0127525 &amp; L0127528.</p>	<p><del>If "second set of pre-determined criteria" means restriction to types of items, then items can be searched by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. "The Part Index is an alphabetized list of parts that gives each parts group and subgroup. There are two ways to find a part in the Part Index. Press Index at the GROUP SUBGROUP or SELECTION field. At SEARCH FOR enter part or all of the part name. The more letters you enter the more accurate the search will be."</del>L0123609.</p> <p><del>J-CON also provided for wildcard searching: "When you use wild card and PartSource finds more than one part that matches it displays all the parts along with their descriptions and list prices."</del>L0123473.</p>	<p><del>If "second set of pre-determined criteria" means restriction to items, then TV/2 searched for items using specific criteria, such as keywords or part numbers: "simply call for the information by specifying key words such as product part numbers or names instructing the computer by selecting an icon on the screen or using the keyboard."</del>L0132133.</p>	<p>If "second set of pre-determined criteria" means restriction to items, then items may be searched by means of: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within." 2:32-33. "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.</p> <p>"Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.</p>	<p><del>If "second set of pre-determined criteria" means restriction to items, then items may be searched by selecting product subcategories as shown in Fig. 4.</del></p>

						MIL 2-SSS		MIL 2-SSS		MIL 2-SSS	
Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party that is one of a manufacturer and a competing vendor, said predetermined third party selling items corresponding to items in said vendor catalog; and	1d			an organized collection selection procedure, said procedure relying on said first set of predetermined criteria to select less than said entire collection of organized collections, and including matching a vendor identification code with a set of less than all of said collection of organized collections, wherein said set of organized collections includes both a vendor organized collection from a predetermined vendor and a second organized collection from a predetermined third party that is one of a manufacturer and a competing vendor, said predetermined third party selling items corresponding to items in said vendor organized collection; and	A "protocol" is not an apparatus element. "Matching" is a method step. "Said predetermined third party selling items corresponding to items in said vendor catalog" is a method step impermissibly inserted in an apparatus claim.  "pre-determined vendor" and "pre-determined third party" are indefinite as no event or time before which said determination must be made is recited.  No uses of "criteria" as claimed in this element are described in the specification.  The specification contains no written description of any "catalog selection protocol." The only catalog selection referred to is the manual process at 9:56-10:11.	The reference discloses a catalog selection procedure that permits restriction of a search to a particular vendor number. This limits the search to "less than said entire collection of catalogs." A "vendor identification code" is disclosed as the "vendor number (which corresponds to a particular vendor)." 11:1-2.  Inclusion of third-party catalogs is disclosed at 3:62-65: "Host database 20 also includes data regarding Distributor's cost prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." Also, "The CSR may also enter an item by using a catalog or reference number from a third-party supplier other than the Distributor where the same item has both Distributor and third-party catalog numbers (which are necessarily different)." 8:24-28.	<del>P.O. Writer enabled a user to select a particular product catalog to search using the CATALOGUE ID (a "vendor identification code").</del> L0126501 & L0126944-46. The system may contain multiple CATALOGUE ID'S. SAP_083622.  P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.  The database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: - In the Vendor Number field, type 12345 [ENTER]." L0126552.	<del>"You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search."</del> L0123624.  The purpose of InterChange was to allow selection from among competitive items from multiple sources.	<del>This element is not expressly disclosed in the reference. However, the reference does disclose "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format."</del> L0132126. It also discloses a search facility and a choice of materials to be searched. Therefore, a catalog selection protocol involving vendor identification codes would have been obvious in light of the prior art of searching.	To the extent ePlus contends that Lawson's accused system meets this limitation, it is also met by King and Lawson's prior art system.  The "catalog selection protocol" is implemented by the "Customer preferred path controller" disclosed at 2:26-34: "a Customer preferred path controller which directs the user to preferred Supplier catalogs thereby permitting customers to select products at prenegotiated discounts; a catalog finder which provides efficient search routines to locate Supplier catalogs card items within"  King discloses multiple catalogs, including Supplier Master Catalog 108, Customer Private Catalog 110, and Public Catalog 106.	To the extent ePlus contends that Lawson's accused system meets this limitation, it is also met by Dworkin and Lawson's prior art system.  "It is another object to provide a system which replaces a plurality of catalogs, and which greatly reduces the time required in shopping for products or services. It is another object to provide a system and method as described above, wherein a user can easily shop for equipment, having specified characteristics, from a plurality of vendors, and wherein the user can easily determine which vendor offers the best price." 2:66-3:2.  Vendor identification code: "When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.
					The specification does not enable any "catalog selection protocol" performed by computer.  The specification only describes matching a vendor identification code with a catalog from a single vendor and does not enable matching a matching a vendor identification code with catalogs from more than vendor, a vendor and a manufacturer, or a vendor and a predetermined third party.  The specification fails to describe a vendor identification code associated with more than vendor, a vendor and a manufacturer, or a vendor and a predetermined third party.	Searching for "corresponding items" is disclosed: "The Host Cross-Reference Table includes, for each item regularly stocked or supplied by the Distributor (i.e. ... items of product type 01 or 03) a list of the corresponding part numbers of Distributor's vendor and other distributors (which are identified by a competitor number) for items which have been determined to be equivalent." 32:14-19.  To the extent that ePlus contends that this limitation is met by Lawson's present system, i.e. that one database containing products multiple vendors is a collection of organized collections, the limitation is also met by Lawson's prior art system. See also '172 1a, above.	Searching for "corresponding items" is disclosed because P.O. Writer enabled the user to order a given item from any of several different vendors. L0126552.				Dworkin discloses using a first set of criteria for catalog selection (Fig. 3). The criteria can be set up so that a predetermined vendor's catalog is always searched by including that vendor's catalog in each of the categories of Fig. 3.
a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol.	1e			a search program, said search program relying on said second set of criteria to select specific items from said organized collections determined from said organized collection selection procedure.	No "criteria" as claimed in this element are described in the specification.  To the extent that ePlus contends that this limitation is met by Lawson's present system, i.e. that one database containing products multiple vendors is a collection of organized collections, the limitation is also met by Lawson's prior art system. See also '172 1a, above.	The reference discloses a search program that searched for items in a selected set of data in a database in response to entered fields of information and based on the second set of criteria (restriction to item types). 8:46-52; 31:1-34:57.  To the extent that ePlus contends that this limitation is met by Lawson's present system, i.e. that one database containing products multiple vendors is a collection of organized collections, the limitation is also met by Lawson's prior art system. See also '172 1a, above.	<del>A search engine (program) is described at L0126941-51 in relation to creating a purchase order by searching a catalog. For example, on page L0126944 the user enters "CAR" as a search criterion.</del>  The search engine confines its search to the catalogs identified by the first set of criteria, and therefore relies on those criteria. L0127525 & L0127528.	J-CON included a search program for selecting specific items. Line items (desired items) are partially described on a point-of-sale screen by specifying fields of information, e.g., manufacturer code, part number, list price, unit price and/or cost. L0123471.  "Once you've entered the part number of the competitive part you have J-CON search for the InterChange part. You can look up InterChange parts by PartFinder group or by manufacturer." L0123623.  See also '172 1e.	TV/2 searched for items using specific criteria, such as keywords or part numbers." (L0132133);  "The following are some of the features of Technical Viewer/2: ... Search: A search facility that can locate every occurrence of a word or phrase in either the current topic, a list of selected topics, the complete document, or another document. A global character can be used to search for a partial string." L0132128  "You can search through parts catalogues, service manuals, stock lists, schematics, user documentation, warranty information and training aids." L0132132.  See also '172 1e.	"The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.  "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.  See also '172 1c.	The search program was discussed in connection with '172 claim 1b.

DX 121/  
DX122 MTE

DX 121/  
DX122 MTE



				MIL 2-SSS		MIL 2-SSS		MIL 2-SSS		MIL 2-SSS	
Asserted claim	Dep.		Equiv.								
2. An electronic sourcing system as recited in claim 1, wherein catalogs comprising said collection of catalogs are stored in separate databases.		2		2. A system as recited in claim 1, wherein organized collections comprising said collection of organized collections are stored in separate databases.	<del>Invalid as depending from an impermissible hybrid claim.</del>  Invalid as depending from an indefinite claim.  <del>Invalid as depending from a non-enabled claim.</del>  Invalid as depending from a claim lacking written description.	Shamos Opinion re Johnson et al. 5,712,989  The reference discloses separate databases for the organized collections. It maintains, e.g. Host Data Base 20 and Local Data Base 50 (see Fig. 3). Also, "Host computer 10 controls all inventory. pricing and requisitioning operations of the Distributor's regularly stocked items using host pricing and inventory database 20 (which is actually comprised of several databases. as will be described below) in a manner which is well known to those of ordinary skill in the art." 3:10-16. Further, "Host computer 10 performs this action by comparing the stock number (STOCK NBR) to series of databases described below in connection with cross referencing containing all valid catalog numbers which are stored in host database 20." 14:39-43. "In the validation step, host computer 10 checks the customer account number. item stock number (using the product type information to determine what database in host databases 20 to search)." 18:63-66.  Claim 2 is anticipated by Johnson.	Shamos Opinion re P.O. WRITER  <del>Each catalogue in P.O. Writer had a separate catalog-ID and can be considered a separate database.</del>  <del>"In this example the catalogue is composed of all items for Best-Buy-Supply. Another method for organizing catalogue may be by item classification or commodity. For example CATALOGUE-ID could be set up called STATIONERY. This catalogue would contain all stationery items regardless of what vendor they are purchased from." L0126946</del>  Claim 2 is anticipated by P.O. Writer.	<del>To the extent Plaintiff contends that Lawson's accused system meets this limitation, so does J-CON and Lawson's prior art system.</del>  <del>In my opinion, this limitation is not disclosed in the reference, but it would have been obvious to store catalogs of different vendors in separate databases because the catalogs originate from different vendors and would not be provided in the same format.</del>  Claim 2 is anticipated by J-CON based on Plaintiff's infringement contentions. Claim 2 is obvious in view of J-CON.	Shamos opinion re IBM TV-2  TV/2 operated from CD-ROMs. L0132126. Catalogs from different manufacturers inherently would have been on separate CD-ROMs and would constitute separate databases.  Claim 2 is obvious in light of TV/2 alone and in the combinations recited at left..	Shamos Opinion re King Jr. et al. 5,319,542  The Private Catalog, Public Catalog and Supplier Master Catalog are stored on separate computers, as shown in Fig. 1, and constitute separate databases. See also 7:5-29 and '516 element 1a.  Claim 2 is anticipated by King.	Shamos Opinion re Dworkin U.S. Patent 4,992,940  <del>Dworkin discloses a single element as "Database 3" (Fig. 1). The parties have not offered any construction of "database." I therefore take it to have its ordinary meaning to one of skill in the art. A "Database" is a collection of related information organized so that items can be inserted and retrieved. There is no disclosure in Dworkin of how Database 3 is organized. It would have been obvious, however, to store the catalogs of separate vendors in separate tables, each of which would constitute a database.</del>  <del>Therefore, claim 2 is obvious in view of Dworkin.</del>
6. An electronic sourcing system as recited in claim 1, wherein said second set of predetermined criteria includes at least one of a catalog number and item textual information.		6		6. An system as recited in claim 1, wherein said second set of predetermined criteria includes at least one of an organized collection number and item textual information.	<del>Invalid as depending from an impermissible hybrid claim.</del>  <del>Invalid as depending from an indefinite claim.</del>  <del>Invalid as depending from a non-enabled claim.</del>  Invalid as depending from a claim lacking written description.	The claim only requires at least one of a catalog number and item textual information. Catalog numbers are disclosed as a method of searching for items: "The item is identified by entering the Distributor catalog number of the desired item in the field below the STOCK NBR label on the appropriate line number in Requisition Management data screen 68." 8:17-22. The "item number" and an "organized collection number," i.e. "catalog number."  Searching by item textual description is not disclosed in the reference, but it is not necessary to the claim. However, since textual descriptions were stored in the Part Master database, it would have been obvious using conventional methods to extend the system to search by description or keyword  Claim 6 is anticipated by Johnson.	P.O. Writer enabled a user to search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. L0127525.  Claim 6 is anticipated by P.O. Writer under all proposed constructions.	<del>J-CON enabled a user to search by part number (catalog number). L0123625. J-CON also enabled searching by textual description: "At the SEARCH FOR field you can enter the first letter or letters of the part you want. For example, to see what subgroup spark plugs are in you can enter the first letter or letters of the part you want. For example to see what subgroup spark plugs are in you can enter "S". PART-FINDER displays all parts beginning with that letter or as many as will fit on the screen." L0124925.</del>  Claim 6 is anticipated by J-CON.	<del>The reference discloses a "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128. Strings include "textual information."</del>  <del>The reference further discloses that suppliers can "make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126. A fair reading of these passages together implies that items can be located by catalog number. To the extent that this limitation is not deemed to be inherent, it would have been obvious to search for a item or part by catalog number.</del>  Therefore, claim 6 is obvious in light of TV/2.	<del>"The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59. "Part number" is a "catalog number" and "description" is item textual information.</del>  Claim 6 is anticipated by King.	The user is able to enter a product identifier (catalog number): "When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product -or service can be obtained." 2:25-29.
9. An electronic sourcing system comprising:	9P		'516 1P	9. An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors, comprising:	Invalid under 35 U.S.C. §101 as not reciting statutory subject matter. The claim is not tied to any particular machine or device. A "collection of catalogs stored in an electronic format" reads on a CD, which is not a machine or device. Elements 9b and 9c are not tied in any way to element 9a.  <del>Invalid as indefinite. See elements 9b, 9c.</del>  Invalid for lack of written description. See element 9c.  <del>Invalid as not enabled. See element 9c.</del>  The body of the claim does not recite a system as stated in the preamble.	Johnson discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  The reference discloses locating items to purchase: "The host computer 10 compares the received part number to its master database of Distributor catalog items, and if it finds a match creates a data block using the data in the master database (which is in host database 20) to send back to local computer 40." 23:11-15. Also Fig. 3, box 202 and Fig. 5A, box 338. A Distributor is a "supplier."	<del>P.O. Writer is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.</del>  <del>Locating items is disclosed at L0127525-30 (Requisitioning manual). Purchasing the located items is disclosed at L0126745-56 et seq. (Purchasing Tutorial).</del>  <del>Multiple vendors are disclosed: "P.O. WRITER PLUS keeps a record of your Vendors in the VENDOR MASTER FILE." L0126731</del>	<del>J-CON is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors (Retail) Locating items is disclosed, e.g., at L012360: "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket." Purchasing items is disclosed, e.g., at L0123459 et seq. ("Start the Sale"). (Dealer) Sourcing for inventory is disclosed, e.g., at L0123681 et seq. (Purchasing and Receiving) and, e.g., at L0123964 et seq. (Inventory Information). Multiple vendors are disclosed: "ORDER BY CODE. If the manufacturers parts are ordered from one vendor (by line) enter "L" multiple vendors (by subline), enter "S" .... If you have second and third choices for vendors enter their vendor numbers." L0125080 "Adding and Editing Vendors. Most of your vendors were added when your system was set up. When you add new vendor most prompts you receive are self explanatory." L0125142</del>	IBM TV/2 discloses and electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors. Locating items is disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126. Finding items to purchase is disclosed: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128. Multiple vendors are disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format ... The information can include text diagrams and photographs." L0132126	King discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "This invention relates to a method and system for facilitating the ordering of items from suppliers." Abstract.  Searching for desired items is disclosed: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within" 2:32-33. "The Requester is the party who defines the need for a purchased item and has the responsibility for creating the purchase requisition. Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 6:40-45  Purchasing the items is disclosed: "The Customers/Requesters 102 are those who purchase products and/or services from the catalogs." 3:36-37. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:11-15	Dworkin discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "An automated system assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database. The database contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the database contains information on price, vendor, specifications and/or availability." Abstract.
						Claim 9 is anticipated by Johnson.	Claim 9 is anticipated by P.O. Writer.	Claim 9 is anticipated by J-CON.		Claim 1 is anticipated by King.	



MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
a collection of catalogs of items stored in an electronic format;	9a		'516 1a	a collection of organized collections of items and associated information, published by a vendor (which includes suppliers, manufacturers, and distributors), which preferably includes a part number, price, catalog number, vendor name, vendor ID, a textual description of the item, and images of or relating to the item stored in an electronic format;		Johnson has a collection of organized collections of items and associated information (catalogs) stored electronically in a database: "Each item record preferably includes information such as Distributor's catalog or part number for the Product, Distributor's list price, Distributor's current cost, Distributor's Insupplier (vendor) for the Product and a code identifying the Product as part of a product grouping to be treated similarly for customer discounting purposes." 3:24-29.  The catalog is published by a vendor (Fisher).  The collection is maintained in a database (electronic format). The database contains information about products of multiple vendors: "Host database 20 also includes data regarding Distributor's cost, prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." 3-62-65. This information about the products of third-party suppliers/vendors is also published by a Distributor/vendor.	<del>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</del>  <del>P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base."</del> L0126575.  <del>P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select."</del> L0126552.  <del>The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: In the Vendor Number field, type 12345 [ENTER]."</del> L0126552.  <del>Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell."</del> L0126575	<del>The J-CON system maintained automotive parts information from multiple manufacturers and multiple vendors in an electronic database, including such information as part number, auto make, model, and year, engine size, subassembly, product description, inventory status, price, manufacturer, distributor(s), and unit of measurement. The J-CON system included the information previously maintained by automotive parts stores in a large collection of printed automotive parts catalogs.</del>  <del>"PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER you can forget those time consuming searches through manufacturer catalogs"</del> L0124897.  <del>Changing catalogs is described at L0124922. Therefore, J-CON included a collection of catalogs.</del>	IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.	<del>King discloses that a supplier creates a collection of three separate catalogs for searching: a Master Catalog, a Public Catalog, and Private Catalog. Fig. 1, 2:20-26; 7:5-29. The catalogs are published by suppliers.</del> 3:15-56.  <del>"Referring to FIG. 2, the Electronic Catalog consists of the Supplier Master Catalog 108, the Public Catalog 106 and the Private Catalog 110."</del> 3:61-63.  <del>The catalogs include data about items: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc."</del> 4:55-59.	Dworkin discloses this element, as shown in Fig. 1:  'In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers. 3:66-68. See also '172 claim 1c.
						Also, to the extent that ePlus reads the limitation to be met by Lawson's present system, i.e. it is sufficient to have products from multiple vendors in the database, the limitation is also met by Johnson.					
a first identification code associated with a first item in a first catalog;	9b			a first identification code associated with a first item in a first organized collection;		Items are identified by codes: "FIG. 3 is a flowchart describing a program employed by a local computer in an embodiment of the system of the present invention to associate a product type with an item code which has been entered by the CSR." 2:42-45. Therefore, a first identification code is associated with a first item in a first catalog.  This limitation is disclosed extensively in the reference: "As described below, database 20 may contain cross-references from Distributor's catalog number to its vendor's part number and to similar catalog numbers of other suppliers or distributors for the same Product. either as a part of the item record, in a separate cross-reference file or both." 3:32-37.	<del>P.O. Writer enabled a user to search for matching items among product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item.</del> (L0127525 & L0127528).  <del>The catalogs can be searched by ITEM NUMBER, ITEM DESCRIPTION, COMMODITY CODE, or a portion of these criteria. (SAP_0803523-24.) Therefore, a first identification code is associated with a first item in a first catalog.</del>	<del>Items in J-CON can be identified by codes, such as manufacturer's code (L0123450) or part number (L0123456).</del>	Parts catalogs of the type disclosed in the reference identify parts by identification codes, such as catalog numbers.	<del>Items are identified by codes, such as commodity codes (4:57) and part number (4:55-59).</del>	"When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.
a second identification code associated with a second item in a second catalog, said first item and said second item being generally equivalent, and wherein a selection of one identification code from one of said first and second catalogs provides the other identification code from the other of said catalogs.	9c			a second identification code associated with a second item in a second organized collection, said first item and said second item being generally equivalent, and wherein a selection of one identification code from one of said first and second catalogs provides the other identification code from the other of said catalogs.	<del>Indefinite. It is not clear whether "a second catalog" is a new element or whether it refers "a second catalog of said collection."</del>  <del>The term "generally equivalent" is indefinite as no definition for the term appears in the specification and no procedure is given for determining whether items are "generally equivalent."</del>  There is no written description of "generally equivalent." The term is not used in the specification.  No written description of "provides the other identification code" is contained in the specification.  <del>No means for determining whether items are "generally equivalent" is enabled by the specification.</del>  <del>"Provides the other identification code" is not enabled in the specification.</del>	This limitation is disclosed extensively in the reference: "As described below, database 20 may contain cross-references from Distributor's catalog number to its vendor's part number and to similar catalog numbers of other suppliers or distributors for the same Product. either as a part of the item record, in a separate cross-reference file or both." 3:32-37.  "Customer will frequently use different identifying part numbers for items which are essentially equivalent, e.g.. a 250 ml PYREX Griffin beaker manufactured by Corning (who designates it as part number 1000 250) could have a Distributor's catalog number 02 540K and competitor's part numbers B2650250, 13912207, and 029827." 32:1-7. "To address this situation, the preferred embodiment of the system of the present invention includes a Host CrossReference Table in host database 20 as well as a Local Cross-Reference Table in local database 50." 32:10-13. The Cross-Reference Tables provides the necessary mapping of identification codes in multiple sources	<del>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g., Best Buy and Bayless.</del>  <del>"InterChange is J-CON's electronic cross-reference for parts. You begin InterChange by pressing InterChange from any field on the POS screen except WRKSTAT or from PartFinder."</del> L0123450.  <del>"If you have PartFinder you can add InterChange to your J-CON. InterChange cross-references parts in lines you don't stock (called competitive parts) to parts in lines you do stock (called InterChange parts). InterChange can find an InterChange part even if you do not know the manufacturer or the complete part number of the competitive part."</del> L0123604.  <del>"InterChange is an optional product that you use to find an equivalent (or InterChange) part for a competitive part. You start InterChange from POS or from PartFinder."</del> L0123624.  <del>"InterChange enters the selected part number in the COMPETITIVE PART field so you can use it to search for cross references."</del> L0123628.	This element is not disclosed in the reference.	This element is not disclosed in the reference.	"When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29. This teaches that the same product, which will have different catalog numbers when listed by different suppliers, will all be retrieved as part of a search. The user can then request detail information about each product retrieved: "For each product, the entries in FIG. 6 include a number which identifies the product, the name of the manufacturer, the manufacturer's model number for the product, the lowest price available among all the vendors in the database, the average price for the product for all the vendors in the database, and the list price for the product." 6:26-32. In this manner the "other identification code" is obtained.	

MIL 2-SSS  
Not in  
Triable  
Issues

<div>May MTS Not in Triable Issues</div> <div>Case 3:09-cv-00620-REP Document 556-2 Filed 01/13/11 Page 10 of 25 PageID# 15022</div> <div>MIL 2-SSSMIL 2-SSSMIL 2-SSSMIL 2-SSS</div>											
Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
								J-CON had a sophisticated system for keeping track of equivalent items, dividing them into "Replaced Parts," "Substitute Parts," and "Can-Use Parts." L0123551. Furthermore, "Alternate Parts" and "Primary and Alternate Manufacturers" are disclosed at L0123613. A number of different methods of converting among item numbers is disclosed. Substituting an alternate part is described, e.g., at L0124837.			
21. An electronic sourcing system comprising:	21P		'516 1P	21. An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors, comprising:	<div>Invalid as a hybrid claim impermissibly mixing method steps and apparatus elements. See elements 21d, 21e and 21f.</div> <div>Invalid for lack of written description. See elements 21a, 21c, 21e, 21f, 21g.</div> <div>Invalid of lack of enablement. See elements 21a, 21c, 21g.</div> <div>Invalid as indefinite: See elements 21f, 21g.</div>	Johnson discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  The reference discloses locating items to purchase: "The host computer 10 compares the received part number to its master database of Distributor catalog items, and if it finds a match creates a data block using the data in the master database (which is in host database 20) to send back to local computer 40." 23:11-15. Also Fig. 3, box 202 and Fig. 5A, box 338. A Distributor is a "supplier."	<div>P.O. Writer is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.</div> <div>Locating items is disclosed at L0127525-30 (Requisitioning manual). Purchasing the located items is disclosed at L0126745-66 et seq. (Purchasing Tutorial).</div> <div>Multiple vendors are disclosed: "P.O. WRITER PLUS keeps a record of your Vendors in the VENDOR MASTER FILE." L0126731</div>	J-CON is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors (Retail) Locating items is disclosed, e.g., at L012360. PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket. Purchasing items is disclosed, e.g., at L0123459 et seq. ("Start the Sale"). (Dealer) Sourcing for inventory is disclosed, e.g., at L0123681 et seq. (Purchasing and Receiving) and, e.g., at L0123964 et seq. (Inventory Information). Multiple vendors are disclosed: "ORDER BY CODE. If the manufacturers parts are ordered from one vendor (by line) enter "L" multiple vendors (by subline), enter "S" .... If you have second and third choices for vendors enter their vendor numbers." L0125080 "Adding and Editing Vendors. Most of your vendors were added when your system was set up. When you add new vendor most prompts you receive are self explanatory." L0125142	IBM TV/2 discloses and electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors. Locating items is disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126. Finding items to purchase is disclosed: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128. Multiple vendors are disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format ... The information can include text diagrams and photographs." L0132126	<div>King discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "This invention relates to a method and system for facilitating the ordering of items from suppliers." Abstract.</div> <div>Searching for desired items is disclosed: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within" 2:32-33. "The Requester is the party who defines the need for a purchased item and has the responsibility for creating the purchase requisition. Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:40-45</div> <div>Purchasing the items is disclosed: "The Customers/Requestors 102 are those who purchase products and/or services from the catalogs." 3:36-37. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:11-15</div>	Dworkin discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "An automated system assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database. The database contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the database contains information on price, vendor, specifications and/or availability." Abstract.
						Claim 21 is anticipated by Johnson, as shown below.		Claim 21 is anticipated by J-CON.		Claim 1 is anticipated by King.	
a requisition module including data fields, user-generated criteria entered into at least one of said data fields to generate at least partial criteria corresponding to a desired item;	21a			a requisition module including data fields, user-generated criteria entered into at least one of said data fields to generate at least partial criteria corresponding to a desired item;	<div>There is no written description of "user-generated criteria" or how they might be entered. There is no written description of generating "at least partial criteria" from "user-generated criteria."</div> <div>The specification does not enable entering "user-generated criteria" or generating "at least partial criteria" from "user-generated criteria."</div>	To the extent ePlus accuses Lawson's system of possessing this element, the reference also discloses the element.  "When the CSR enters an item code in the STOCK NBR field and hits the ENTER key, local computer 40 begins a program described in the flowchart is shown in FIG. 3. ... In step 201, the entered stock number is added to the appropriate field of the Requisition Item Table in local database 50 along with the associated line number. In step 202, local computer 40 searches the Part Master Table in local database 50 for the STOCK NBR that has just been entered (which can be either the Customer's stock number or a valid cross-reference number such as a Distributor catalog number). 8:40-51.	<div>P.O. Writer's requisition module is the subject of an entire manual, L0127505-601. To the extent the claim requires a "requisition module" to generate criteria for searching, such a function is performed by the P.O. Writer search module using partial criteria as described in connection with '172 1c.</div> <div>To the extent ePlus accuses Lawson's system of possessing this element, the reference also discloses the element.</div>	<div>In PartSource, items can be partially described via wildcards in data fields: "With PartSource you can use wild cards if you do not know the manufacturer or part number. Wild cards are characters asterisk and question mark that stand for any other character that may appear in the same place. The question mark (?) replaces anyone character, and the asterisk (*) replaces zero or more characters." L0123472.</div> <div>See also '172 1b.</div>	The reference discloses a "parts ordering system," which is a requisition module. L0132133. User-generated criteria are used for searching. The reference discloses a "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128.  See also '172 1b.	<div>Fields of product information that partially describe an item are entered via screens, as shown in boxes 406 of Fig. 4. "Buyers 406 and Requestors 408 all interface to the system via workstations." 6:51-52. "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300). If the item is found, the system will prefill the required fields of the requisition (Block 304)." 5:42-47.</div> <div>See also '172 1e.</div>	To the extent that "user-generated" means "user-selected," this limitation is disclosed in Dworkin, as shown in Fig. 5.  See also '172 1e.
a catalog collection searching module, said searching module including a collection of catalogs of items stored in an electronic format,	21b			an catalog collection searching module, said searching module including a collection of organized collections of items and associated information, published by a vendor (which includes suppliers, manufacturers, and distributors), which preferably includes a part number, price, catalog number, vendor name, vendor ID, a textual description of the item, and images of or relating to the item stored in an electronic format,	<div>Not in Triable Issues</div>	See '172 element 1a and '516 element 21a, above.  "If, during sourcing, the host is validating a catalog number for a purportedly 03 item, it will search a series of files in host database 20. One such file may be unique to the Customer, containing the Customer's stock numbers crossreferenced to a Distributor catalog system. In the present system, the ordered item is likely not to be found in that file because (as described below) the local computer 40 will normally convert Customer stock numbers to Distributor catalog numbers using the Local Cross Reference Table before the data block is sent (see block 282 in FIG. 4C).	<div>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</div> <div>P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base." L0126575.</div> <div>P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.</div> <div>The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: In the Vendor Number field, type 12345 [ENTER]." L0126552.</div> <div>Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell." L0126575</div>	<div>The J-CON system maintained automotive parts information from multiple manufacturers and multiple vendors in an electronic database, including such information as part number, auto make, model, and year, engine size, subassembly, product description, inventory status, price, manufacturer, distributor(s), and unit of measurement. The J-CON system included the information previously maintained by automotive parts stores in a large collection of printed automotive parts catalogs.</div> <div>"PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER you can forget those time consuming searches through manufacturer catalogs" L0124897.</div> <div>Changing catalogs is described at L0124922. Therefore, J-CON included a collection of catalogs.</div>	IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.	<div>King discloses that a supplier creates a collection of three separate catalogs for searching: a Master Catalog, a Public Catalog, and Private Catalog. Fig. 1, 2:20-26; 7:5-29. The catalogs are published by suppliers. 3:15-56.</div> <div>"Referring to FIG. 2, the Electronic Catalog consists of the Supplier Master Catalog 108, the Public Catalog 106 and the Private Catalog 110." 3:61-63.</div> <div>The catalogs include data about items: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59.</div>	Dworkin discloses this element, as shown in Fig. 1:  'In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers. 3:66-68. See also '172 claim 1c.

Not in Triable Issues

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
a catalog selection criteria used to select less than said entire collection,	21c			an organized collection selection criteria used to select less than said entire collection,	<div>No catalog selection criteria or the use of any such criteria are described in the specification.</div> <div>The specification does not enable any "catalog selection criteria."</div>	<p>The reference discloses a catalog selection procedure that permits restriction of a search to a particular vendor number. This limits the search to "less than said entire collection of catalogs." A "vendor identification code" is disclosed as the "vendor number (which corresponds to a particular vendor)." 11:1-2.</p> <p>Inclusion of third-party catalogs is disclosed at 3:62-65: "Host database 20 also includes data regarding Distributor's cost prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." Also, "The CSR may also enter an item by using a catalog or reference number from a third-party supplier other than the Distributor where the same item has both Distributor and third-party catalog numbers (which are necessarily different)." 8:24-28.</p>	<p><del>P.O. Writer enabled a user to select a particular product catalog to search using the CATALOGUE ID (a "vendor identification code").</del>—L0126501 &amp; L0126944-46.—<del>The system may contain multiple CATALOGUE ID'S.</del> SAP_083522.</p> <p><del>To the extent that ePlus reads the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by J-CON and Lawson's prior art system.</del></p> <p><del>Searches may be limited to a particular manufacturer.—"You might want to search for InterChange parts by manufacturer instead of by group.—When you search by manufacturer you can select one or more manufacturers to search.—To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field.—Then enter the codes of the manufacturers whose InterChange catalogs you want to search."</del> L0123624.</p> <p>See also '516 1d.</p>	<p>The set of catalogs to be searched is under user control. The reference discloses a "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128</p> <p>See also '516 1d..</p>	<p><del>The various catalogs could be searched separately: "The Private Catalog functions allow Customers to load, access and identify supplier products on their own local computer systems rather than the Public Catalog. Private Catalogs contain many of the same features as the Public Catalogs, except for the price discounter function which is not required since the data base of the Private Catalog is customer specific."</del> 2:43-49.—<del>King discloses selecting either the Public Catalog or the Private Catalog to search.</del> 5:42-45, 6:5-7, 7:5-29</p> <p>See also '516 1d.</p>	<p>To the extent ePlus contends that Lawson's accused system meets this limitation, it is also met by Dworkin and Lawson's prior art system.</p> <p>"It is another object to provide a system which replaces a plurality of catalogs, and which greatly reduces the time required in shopping for products or services. It is another object to provide a system and method as described above, wherein a user can easily shop for equipment, having specified characteristics, from a plurality of vendors, and wherein the user can easily determine which vendor offers the best price." 2:66-3:2.</p> <p>Vendor identification code: "When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.</p>	
said searching module being used to generate additional search-module criteria for said data fields of said requisition module;	21d			said searching module being used to generate additional search-module criteria for said data fields of said requisition module;	<div>This is a method step involving an apparatus element inserted into an apparatus claim.—It is not clear whether infringement occurs when the apparatus is made or only when it is used in the recited manner.</div> <div>There is no written description of any "additional search module criteria" and it is not clear what that term might mean.</div>	<p>To the extent ePlus accuses Lawson's system of meeting this limitation, the reference also meets the limitation.</p> <p>The reference discloses a searching module that generates additional searching criteria: "In the validation step, host computer 10 checks the customer account number, item stock number (using the product type information to determine what database in host databases 20 to search) and the price against the relevant information in host database 20 to validate the data in the received purchase order data block." 18:63-19:1.</p>	<p><del>To the extent meaning can be ascribed to this limitation, the search screen at L0127527 generates additional search-module criteria for data fields, e.g.—"BEGINS WITH."</del></p>	<p><del>To the extent meaning can be ascribed to this limitation, the search described at L0123609 discloses generation of additional search criteria: "The Part Index is an alphabetized list of parts that gives each parts group and subgroup.—There are two ways to find part in the Part Index.—Press Index at the GROUP SUBGROUP or SELECTION field.—At SEARCH FOR enter part or all of the part name.—The more letters you enter the more accurate the search will be.—At the GROUP SUBGROUP or SELECTION field type the first 1-4 letters of the part name and press Index.—Whichever method you use J-CON displays the index page for parts beginning with the letters you entered. The group and subgroup or subgroups are to the left of the part name."</del></p>	<p>This limitation is a use limitation not disclosed in the reference.</p>	<p><del>Private Catalogs contain many of the same features as the Public Catalogs, except for the price discounter function which is not required since the data base of the Private Catalog is customer specific."</del> 2:46-49.—<del>The searching criteria thus depend on the catalog being searched.</del></p>	<p>To the extent meaning can be ascribed to this limitation, the search screen of Fig. 3 generates additional search module criteria as shown in Fig. 4..</p>
a multiple purchase order generation module, said purchase order generation module creating multiple purchase orders from a single requisition created with said user-generated criteria and said search-module criteria;	21e			a multiple purchase order generation module, said purchase order generation module creating multiple purchase orders from a single requisition created with said user-generated criteria and said search-module criteria;	<div>The claim mixes a method step ("creating multiple purchase orders") into an apparatus claim.</div> <div>There is no written description of any "user-generated criteria" or any "search-module criteria."</div>	<p>To the extent ePlus accuses Lawson's system of possessing this element, the reference also discloses the element.</p> <p>Sourcing the requisition is described at 11:25-17:14. A requisition may require sourcing from different distributors and third parties: "Any particular requisition may involve all of these product types, only a single product type, or any combination of product types. The product type which was determined when the STOCK NBR was entered on the Requisition Management data screen is now used to source the item. Items of product type 06 are sourced from the Customer-owned Inventory 54; items of product type 01 are sourced from Distributor owned inventory 52." 11:48-53.</p> <p>Items are sourced separately and multiple purchase orders are generated. (It is impossible to source a requisition from multiple distributors with a single purchase order.)</p> <p>Each time a requisition is accepted by the CSR, a purchase order is generated. Thus the reference discloses multiple purchase orders.</p> <p>Fig. 5A shows generating different purchase orders depending on "product type." See decision block 332.</p>	<p><del>"The P.O. WRITER PLUS Requisitioning Interface allows the Purchasing Department to convert requisitions into Purchase Orders quickly and efficiently."</del> L0126966. <del>Requisitions can be split into separate purchase orders: "Requisitions can be turned into Purchase Orders (or Requests for Quotes) on a one-to-one basis. Requisitions can also be consolidated or split automatically."</del> L0126966</p>	<p><del>J-CON generated multiple purchase orders from a single requisition.—"The purchasing programs enable you to quickly create purchase orders based on your real needs."</del> L0123423.</p> <p><del>"You can set up J-CON to automatically compute POs during EOD.—You can also set it to automatically transmit POs to vendors who use A-DIS. The POs can go to primary and alternate vendors and to other vendors for whom you have set up PO control files in Function 7.7."</del> L0123693.</p> <p><del>Generation of multiple purchase orders is disclosed beginning at L0123695, e.g.:—"When you compute a PO for primary or alternate vendor J-CON checks each manufacturer to see which ones should be ordered from the vendor. It then checks every part from each of those manufacturers to see which ones need to be ordered."</del></p>	<p>"You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133. Parts ordering inherently includes producing purchase orders.</p> <p>See also '172 1f.</p>	<p>Generation of multiple purchase orders is disclosed. "Requisitions are then processed through the customer's procurement system and transmitted electronically as purchase orders to Suppliers." Abstract.—"The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.</p> <p>See also '172 1f.</p>	<p><del>This limitation is not disclosed in the reference.—Nevertheless, it would have been obvious if the user selected items from multiple suppliers to generate different a purchase order for each supplier.—It is impossible to generate single purchase order to more than one supplier.</del></p>



MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
wherein each of at least two catalogs include a generally equivalent item from a different source, said requisition module working in combination with said catalog searching module to determine multiple sources for said item;	21f			wherein each of at least two organized collections include a generally equivalent item from a different source, said requisition module working in combination with said organized collection searching module to determine multiple sources for said item;	<del>This limitation recites a method step ("working in combination with") that is performed by an apparatus element ("requisition module").</del>  <del>There is no written description of "generally equivalent." The term is not used in the specification.</del>  The term "generally equivalent" is indefinite.	This limitation is disclosed extensively in the reference: "As described below, database 20 may contain cross-references from Distributor's catalog number to its vendor's part number and to similar catalog numbers of other suppliers or distributors for the same Product. either as a part of the item record, in a separate cross-reference file or both." 3:32-37.  "Customer will frequently use different identifying part numbers for items which are essentially equivalent, e.g., a 250 ml PYREX Griffin beaker manufactured by Corning (who designates it as part number 1000 250) could have a Distributor's catalog number 02 540K and competitor's part numbers B2650250, 13912207, and 029827." 32:1-7. "To address this situation, the preferred embodiment of the system of the present invention includes a Host CrossReference Table in host database 20 as well as a Local Cross-Reference Table in local database 50." 32:10-13. The Cross-Reference Tables provides the necessary mapping of identification codes in multiple sources	<del>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g., Best Buy and Bayless.</del>	InterChange provides the capability to find multiple sources for generally equivalent items: "J-CON uses the manufacturer conversion tables during purchasing receiving automatic part maintenance and store-to-store inquiries. The tables can convert manufacturer codes subline numbers and price codes." L0124150.  "InterChange is an optional product that you use to find an equivalent (or InterChange) part for a competitive part. You start InterChange from PQS or from PartFinder." L0123621. "To find an InterChange for a part the first step is to enter the part number in the COMPETITIVE PART field. The competitive part is the part for which you want to find an equivalent part." L0123622.	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.	"When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.
wherein said multiple sources is limited by said catalog searching module providing a match according to said user-generated criteria, said search-module criteria and a determination system that located items are generally equivalent; and	21g			wherein said multiple sources is limited by said organized collection searching module providing a match according to said user-generated criteria, said search-module criteria and a determination system that located items are generally equivalent; and	<del>There is no written description of "generally equivalent." The term is not used in the specification. The specification contains absolutely no written description of any "determination system" and especially not any "determination system that located items are generally equivalent."</del>  <del>The specification does not enable a "determination system that located items are generally equivalent."</del>  <del>No means for determining whether items are "generally equivalent" is enabled by the specification.</del>  The term "generally equivalent" is indefinite.	The term "determination system that located items are generally equivalent" appears to have no meaning. However, to the extent that the Cross-Reference table establishes such equivalence, then this element is disclosed in the reference.  "The Host Cross-Reference Table includes, for each item regularly stocked or supplied by the Distributor (i.e. . . items of product type 01 or 03) a list of the corresponding part numbers of Distributor's vendor and other distributors (which are identified by a competitor number) for items which have been determined to be equivalent." 32:14-19.  To the extent that "determination system" refers to a computerized component, the determination system of the reference is the software that consults the cross-reference table to retrieve numbers of equivalent items.	<del>To the extent ePlus accuses Lawson's system of possessing this element, the reference also discloses the element.</del>  <del>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g., Best Buy and Bayless. In order to produce this screen, P.O. Writer must possess the claimed "determination system."</del>	Determination: "InterChange has a self-reference feature which is helpful to the novice counterperson who might look for an InterChange part for a line you carry. If an InterChange part is not found for the competitive part entered, InterChange checks to see you carry the competitive part." L0123628.	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.	"When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.  The search is limited as shown in Fig. 3.  This discloses that Dworkin had the ability to retrieve generally equivalent items (whatever that term means) and thus had the required "determination system."
wherein said determination system includes a cross reference table matching an identification code from a first located item with a second identification code from a second located item.	21h			wherein said determination system includes a table that links vendors items determined to be equivalent between two of more different vendors matching an identification code from a first located item with a second identification code from a second located item.	<del>This limitation recites a method step ("matching") that is performed by an apparatus element ("cross-reference table").</del>	The term "determination system that located items are generally equivalent" appears to have no meaning. However, to the extent that the Cross-Reference table establishes such equivalence, then this element is disclosed in the reference.  "As described below, such designation of product type 03 will be verified during the Sourcing steps using the product records and cross-reference files contained in host database 20." 8:58-61. The "cross-reference files" are cross-reference tables.  "The Host Cross-Reference Table includes, for each item regularly stocked or supplied by the Distributor (i.e., items of product type 01 or 03) a list of the corresponding part numbers of Distributor's vendor and other distributors (which are identified by a competitor number) for items which have been determined to be equivalent." 32:14-19.	<del>To the extent ePlus contends that Lawson's present system meets this limitation, i.e., that linking equivalent items comprises a "determination system," the reference and Lawson's prior art system also disclose the limitation.</del>  <del>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g., Best Buy and Bayless. In order to produce this screen, P.O. Writer must possess the claimed "determination system." An example of the required table is shown on page L0126552, showing catalog numbers for items that are generally equivalent.</del>	J-CON uses cross-reference tables to match identification codes: "If you use different manufacturer codes in your JIF than are in the PART-FINDER database you can cross-reference them. This enables PARTFINDER to find part information." L0124047. "Specifically you can change the manufacturer cross-reference codes so the PART-FINDER codes match the manufacturer codes you use in your JIF." L0124965. "PART-FINDER provides you with the part information you want using default manufacturer codes. However your manufacturer codes may not always match the PART-FINDER manufacturer codes. You therefore want to be sure to provide PART-FINDER with a cross-reference to the manufacturer codes you have set up in the JIF." L0124965	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.
						Linking to third-party catalogs is expressly disclosed: "The CSR may also enter an item by using a catalog or reference number from a third-party supplier other than the Distributor where the same item has both Distributor and third-party catalog numbers (which are necessarily different)." 8:24-28. "The local database 50 contains a cross-reference file between such stock numbers and a particular supplier's catalog or part number." 8:36-38		"If you have PartFinder you can add InterChange to your J-CON. InterChange cross-references parts in lines you don't stock (called competitive parts) to parts in lines you do stock (called InterChange parts)." L0123601. "[]type the selection number of the InterChange part you want to use in the SELECTION field then press InterChange. InterChange enters the selected part number in the COMPETITIVE PART field so you can use it to search for cross-references." L013628. See also 546 element 9c.			

Asserted claim	Dep.	Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
22. An electronic sourcing system as recited in claim 21, wherein said determination system includes an identical identification code for each of said located items.		22	22. A system as recited in claim 21, wherein said determination system includes an identical identification code for each of said located items.	<div>Invalid as depending from an invalid hybrid claim.</div> <div>Invalid as depending from a claim lacking written description. Further, there is no written description of any "identical identification code."</div> <div>The term, "an identical identification code for each of said located items" is indefinite. It could mean a code indicating that items are not merely equivalent but are identical, or it could mean that all items found to be equivalent are marked with identical codes. There is no basis in the specification for disambiguating the term.</div> <div>Invalid as depending from a claim that is not enabled.</div> <div>Invalid as depending from an indefinite claim.</div>	This limitation appears to have no meaning. To the extent that the reference retrieves items that are equivalent, it must also retrieve items that are identical. If that is the meaning of the limitation, then the limitation is met by the reference.  Claim 22 is anticipated by Johnson.	<div>This element appears to have no meaning. To the extent it has meaning sufficient to accuse Lawson's present system, it is also disclosed in the reference and in Lawson's prior art system.</div> <div>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g, Best Buy and Bayless.</div> <div>All the items have the identical identification code A1000.</div> <div>To the extent Plaintiff alleges this claim to be infringed by Lawson's current system, claim 22 is anticipated by P.O. Writer.</div>	<div>This limitation has no ascertainable meaning. Nevertheless, parts that are equivalent in the J-CON system are identical unless they are identified as an alternate or replacement part: "When you enter replaced part and the quantity available is larger than the quantity ordered, J-CON displays the replacement part in the miscellaneous information section of the POS screen." L0123485.</div> <div>To the extent Plaintiff alleges this claim to be infringed by Lawson's current system, claim 22 is anticipated by J-CON.</div>	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.
29. An electronic sourcing system comprising:	29	'516 1P	29. An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors, comprising:	<div>Invalid as a hybrid claim impermissibly mixing method steps and apparatus elements. See element 29d.</div> <div>Indefinite. See elements 29b, 29c, 29d.</div> <div>Invalid as lacking written description. See element 29d.</div> <div>Invalid as not enabled. See element 29d.</div>	Johnson discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  The reference discloses locating items to purchase: "The host computer 10 compares the received part number to its master database of Distributor catalog items, and if it finds a match creates a data block using the data in the master database (which is in host database 20) to send back to local computer 40." 23:11-15. Also Fig. 3, box 202 and Fig. 5A, box 338. A Distributor is a "supplier."	<div>P.O. Writer is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.</div> <div>Locating items is disclosed at L0127525-30 (Requisitioning manual). Purchasing the located items is disclosed at L0126745-56 et seq. (Purchasing Tutorial).</div> <div>Multiple vendors are disclosed: "P.O. WRITER PLUS keeps a record of your Vendors in the VENDOR MASTER FILE." L0126734</div>	<div>J-CON is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors (Retail) Locating items is disclosed, e.g., at L012360: "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket."</div> <div>Purchasing items is disclosed, e.g., at L0123450 et seq. ("Start the Sale"). (Dealer) Sourcing for inventory is disclosed, e.g., at L0123681 et seq. (Purchasing and Receiving) and, e.g., at L0123964 et seq. (Inventory Information).</div> <div>Multiple vendors are disclosed: "ORDER BY CODE. If the manufacturers parts are ordered from one vendor (by line) enter "L" multiple vendors (by subline), enter "S" .... If you have second and third choices for vendors enter their vendor numbers." L0125080 "Adding and Editing Vendors. Most of your vendors were added when your system was set up. When you add new vendor most prompts you receive are self-explanatory." L0126142</div>	IBM TV/2 discloses and electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors. Locating items is disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126. Finding items to purchase is disclosed: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128. Multiple vendors are disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format ... The information can include text diagrams and photographs." L0132126	<div>King discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "This invention relates to a method and system for facilitating the ordering of items from suppliers." Abstract.</div> <div>Searching for desired items is disclosed: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within" 2:32-33. "The Requester is the party who defines the need for a purchased item and has the responsibility for creating the purchase requisition. Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 6:40-45</div> <div>Purchasing the items is disclosed: "The Customers/Requestors 102 are those who purchase products and/or services from the catalogs." 3:36-37. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:11-15</div>	Dworkin discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "An automated system assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database. The database contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the database contains information on price, vendor, specifications and/or availability." Abstract.
a collection of catalogs of items stored in an electronic format;	29a	'516 1a	a collection of organized collections of items and associated information, published by a vendor (which includes suppliers, manufacturers, and distributors), which preferably includes a part number, price, catalog number, vendor name, vendor ID, a textual description of the item, and images of or relating to the item stored in an electronic format;		Claim 29 is anticipated by Johnson, as shown below.	<div>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</div> <div>P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base." L0126575.</div> <div>P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.</div> <div>The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: In the Vendor Number field, type 12345 [ENTER]." L0126552.</div> <div>Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell." L0126575</div>	<div>The J-CON system maintained automotive parts information from multiple manufacturers and multiple vendors in an electronic database, including such information as part number, auto make, model, and year, engine size, subassembly, product description, inventory status, price, manufacturer, distributor(s), and unit of measurement. The J-CON system included the information previously maintained by automotive parts stores in a large collection of printed automotive parts catalogs.</div> <div>"PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER you can forget those time consuming searches through manufacturer catalogs" L0124897.</div> <div>Changing catalogs is described at L0124922. Therefore, J-CON included a collection of catalogs.</div>	IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.	<div>King discloses that a supplier creates a collection of three separate catalogs for searching: a Master Catalog; a Public Catalog; and Private Catalog. Fig. 1, 2:20-26; 7:5-29. The catalogs are published by suppliers. 3:15-56.</div> <div>"Referring to FIG. 2, the Electronic Catalog consists of the Supplier Master Catalog 108, the Public Catalog 106 and the Private Catalog 110." 3:61-63.</div> <div>The catalogs include data about items: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59.</div>	Dworkin discloses this element, as shown in Fig. 1:  'In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers. 3:66-68. See also '172 claim 1c.

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
						Also, to the extent that ePlus reads the limitation to be met by Lawson's present system, i.e. it is sufficient to have products from multiple vendors in the database, the limitation is also met by Johnson.					
a first set of pre-determined criteria associated with said collection of catalogs;	29b		516 1b	a first set of pre-determined criteria associated with said collection of organized collections;	"pre-determined" is indefinite as no event or time before which said determination must be made is recited.	To the extent that ePlus reads the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by Johnson and Lawson's prior art system.  If "first set of pre-determined criteria" means restriction to products of specific vendors, then searches may be limited by vendor number. 10:39-50; 15:14-26. Searches may also be limited by Distributor warehouse. 22:36-47.  Johnson taught the use of multiple databases that could be searched separately. For example:  "In the validation step, host computer 10 checks the customer account number, item stock number (using the product type information to determine what database in host databases 20 to search) and the price against the relevant information in host database 20 to validate the data in the received purchase order data block." 18:63-19:1.	<del>If "first set of pre-determined criteria" means restriction to specific catalogs, then searches may be limited by CATALOGUE IDs. L0127525.</del>	<del>To the extent that ePlus contends the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by J-CON and Lawson's prior art system.</del>  <del>If "first set of pre-determined criteria" means restriction to specific catalogs, then searches may be limited by manufacturer. You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search." L0123624.</del>	If "first set of pre-determined criteria" means restriction to specific catalogs, then the pre-determined criterion is the set of catalogs to be searched, which is under user control: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128.	<del>If "first set of pre-determined criteria" means restriction to specific catalogs, then the pre-determined criterion is the identity of the catalog to be searched, which is under user control. The Public Catalog contains the following functional features: Catalog Query/Display for logically guiding the requestors through the available catalog data; a Customer preferred path controller which directs the user to preferred Supplier catalogs thereby permitting customers to select products at prenegotiated discounts." 2:26-31.</del>	If "first set of pre-determined criteria" means restriction to specific catalogs, then the pre-determined criterion is the general type of product or service to be located, as shown in Fig. 3.
a second set of pre-determined criteria associated with items from each of said catalogs;	29c		'516 1c	a second set of pre-determined criteria associated with items from each of said organized collections;	"pre-determined" is indefinite as no event or time before which said determination must be made is recited.	If "second set of pre-determined criteria" means restriction to types of items, then items may be searched by catalog number (item number in a catalog) or reference number. 8:16-21; 8:25-29.  To the extent that ePlus reads the limitation to be met by Lawson's present system, i.e., that the ability to limit searches to specific items types is sufficient, then the limitation is also met by Lawson's prior art system.	<del>If "second set of pre-determined criteria" means restriction to types of items, then items can be searched by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. L0127525 &amp; L0127528.</del>	<del>If "second set of pre-determined criteria" means restriction to types of items, then items can be searched by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. The Part Index is an alphabetized list of parts that gives each parts group and subgroup. There are two ways to find a part in the Part Index. Press Index at the GROUP SUBGROUP or SELECTION field. At SEARCH FOR enter part or all of the part name. The more letters you enter the more accurate the search will be." L0123609.</del>  J-CON also provided for wildcard searching: "When you use wild card and PartSource finds more than one part that matches it displays all the parts along with their descriptions and list prices." L0123473.	If "second set of pre-determined criteria" means restriction to items, then TV/2 searched for items using specific criteria, such as keywords or part numbers: "simply call for the information by specifying key words such as product part numbers or names instructing the computer by selecting an icon on the screen or using the keyboard." L0132133.	<del>If "second set of pre-determined criteria" means restriction to items, then items may be searched by means of: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within." 2:32-33. The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.</del>  "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-46.	If "second set of pre-determined criteria" means restriction to items, then items may be searched by selecting product subcategories as shown in Fig. 4.
a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party;	29d	Logically	'516 1d	an organized collection selection protocol, said protocol relying on said first set of predetermined criteria to select less than said entire collection of organized collections, and including matching a vendor identification code with a set of less than all of said collection of organized collections, wherein said set includes both a vendor organized collection from a predetermined vendor and a second organized collection from a predetermined third party;	A "protocol" is not an apparatus element. "Matching" is a method step.  "pre-determined vendor" and "pre-determined third party" are indefinite as no event or time before which said determination must be made is recited.  The specification contains no written description of any "catalog selection protocol." The only catalog selection referred to is the manual process at 9:56-10:11.  The specification does not enable any "catalog selection protocol" performed by computer.	The reference discloses a catalog selection procedure that permits restriction of a search to a particular vendor number. This limits the search to "less than said entire collection of catalogs." A "vendor identification code" is disclosed as the "vendor number (which corresponds to a particular vendor)." 11:1-2.  Inclusion of third-party catalogs is disclosed at 3:62-65: "Host database 20 also includes data regarding Distributor's cost prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." Also, "The CSR may also enter an item by using a catalog or reference number from a third-party supplier other than the Distributor where the same item has both Distributor and third-party catalog numbers (which are necessarily different)." 8:24-28.	P.O. Writer enabled a user to select a particular product catalog to search using the CATALOGUE ID (a "vendor identification code"). L0126501 & L0126944-46. The system may contain multiple CATALOGUE ID'S: SAP_083522.  P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.  The database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: In the Vendor Number field, type 12345 [ENTER]." L0126552.	"You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search." L0123624.  The purpose of InterChange was to allow selection from among competitive items from multiple sources.	This element is not expressly disclosed in the reference. However, the reference does disclose "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126. It also discloses a search facility and a choice of materials to be searched. Therefore, a catalog selection protocol involving vendor identification codes would have been obvious in light of the prior art of searching.	<del>To the extent ePlus contends that Lawson's accused system meets this limitation, it is also met by King and Lawson's prior art system.</del>  The "catalog selection protocol" is implemented by the "Customer preferred path controller" disclosed at 2:26-34: "a Customer preferred path controller which directs the user to preferred Supplier catalogs thereby permitting customers to select products at prenegotiated discounts; a catalog finder which provides efficient search routines to locate Supplier catalogs card items within"  King discloses multiple catalogs, including Supplier Master Catalog 106, Customer Private Catalog 110, and Public Catalog 106.	To the extent ePlus contends that Lawson's accused system meets this limitation, it is also met by Dworkin and Lawson's prior art system.  "It is another object to provide a system which replaces a plurality of catalogs, and which greatly reduces the time required in shopping for products or services. It is another object to provide a system and method as described above, wherein a user can easily shop for equipment, having specified characteristics, from a plurality of vendors, and wherein the user can easily determine which vendor offers the best price." 2:66-3:2.  Vendor identification code: "When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.

May MTS Not in Traible Issues



MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
					<del>This element mixes a method step ("matching a vendor identification code with a subset of said collection of catalogs") into an apparatus claim.</del>	Searching for "corresponding items" is disclosed: "The Host Cross-Reference Table includes, for each item regularly stocked or supplied by the Distributor (i.e. . . items of product type 01 or 03) a list of the corresponding part numbers of Distributor's vendor and other distributors (which are identified by a competitor number) for items which have been determined to be equivalent." 32:14-19.  To the extent that ePlus contends that this limitation is met by Lawson's present system, i.e. that one database containing products multiple vendors is a collection of organized collections, the limitation is also met by Lawson's prior art system. See also '172 1a, above.		J-CON had a sophisticated system for keeping track of equivalent items, dividing them into "Replaced Parts," "Substitute Parts," and "Can-Use Parts." L0123561. Furthermore, "Alternate Parts" and "Primary and Alternate Manufacturers" are disclosed at L0123613. A number of different methods of converting among item numbers is disclosed. Substituting an alternate part is described, e.g., at L0124837.			
a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol.	29e		'516 1e	a search program, said search program relying on said second set of criteria to select specific items from said organized collections determined from said organized collection selection procedure.		The reference discloses a search program that searched for items in a selected set of data in a database in response to entered fields of information and based on the second set of criteria (restriction to item types). 8:46-52; 31:1-34:57.  To the extent that ePlus contends that this limitation is met by Lawson's present system, i.e. that one database containing products multiple vendors is a collection of organized collections, the limitation is also met by Lawson's prior art system. See also '172 1a, above.	A search engine (program) is described at L0126941-51 in relation to creating a purchase order by searching a catalog. For example, on page L0126944 the user enters "CAR" as a search criterion.  The search engine confines its search to the catalogs identified by the first set of criteria, and therefore relies on those criteria. L0127525 & L0127528.	J-CON included a search program for selecting specific items. Line items (desired items) are partially described on a point-of-sale screen by specifying fields of information, e.g., manufacturer code, part number, list price, unit price and/or cost. L0123471.  "Once you've entered the part number of the competitive part you have J-CON search for the InterChange part. You can look up InterChange parts by PartFinder group or by manufacturer." L0123623.  See also '172 1c.	TV/2 searched for items using specific criteria, such as keywords or part numbers: "simply call for the information by specifying key words such as product part numbers or names instructing the computer by selecting an icon on the screen or using the keyboard." L0132133.  See also '712 1c.	Items may be searched by means of: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within." 2:32-33. "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.  "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.  See also '712 1c.	The search program was discussed in connection with '172 claim 1b.
a cross reference table linking a vendor item catalog number from said vendor with an item catalog number from said predetermined third party.	29f		Logically '516 21h	a table that links vendors items determined to be equivalent between two of more different vendors linking a vendor item catalog number from said vendor with an item catalog number from said predetermined third party.		The term "determination system that located items are generally equivalent" appears to have no meaning. However, to the extent that the Cross-Reference table establishes such equivalence, then this element is disclosed in the reference.  "As described below, such designation of product type 03 will be verified during the Sourcing steps using the product records and cross-reference files contained in host database 20." 8:58-61. The "cross-reference files" are cross-reference tables.  "The Host Cross-Reference Table includes, for each item regularly stocked or supplied by the Distributor (i.e., items of product type 01 or 03) a list of the corresponding part numbers of Distributor's vendor and other distributors (which are identified by a competitor number) for items which have been determined to be equivalent." 32:14-19.	To the extent ePlus contends that Lawson's present system meets this limitation, i.e., that linking equivalent items comprises a "determination system," the reference and Lawson's prior art system also disclose the limitation.  This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g., Best Buy and Bayless. In order to produce this screen, P.O. Writer must possess the claimed "determination system." An example of the required table is shown on page L0126552, showing catalog numbers for items that are generally equivalent.	J-CON uses cross-reference tables to match identification codes: "If you use different manufacturer codes in your JIF than are in the PART-FINDER database you can cross-reference them. This enables PARTFINDER to find part information." L0124947. "Specifically you can change the manufacturer cross-reference codes so the PART-FINDER codes match the manufacturer codes you use in your JIF." L0124965. "PART-FINDER provides you with the part information you want using default manufacturer codes. However your manufacturer codes may not always match the PART-FINDER manufacturer codes. You therefore want to be sure to provide PART-FINDER with a cross-reference to the manufacturer codes you have set up in the JIF." L0124965	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.	This limitation is not disclosed in the reference.
						Linking to third-party catalogs is expressly disclosed: "The CSR may also enter an item by using a catalog or reference number from a third-party supplier other than the Distributor where the same item has both Distributor and third-party catalog numbers (which are necessarily different)." 8:24-28. "The local database 50 contains a cross-reference file between such stock numbers and a particular supplier's catalog or part number." 8:36-38		"If you have PartFinder you can add InterChange to your J-CON. InterChange cross-references parts in lines you don't stock (called competitive parts) to parts in lines you do stock (called InterChange parts)." L0123601. "[T]ype the selection number of the InterChange part you want to use in the SELECTION field then press InterChange. InterChange enters the selected part number in the COMPETITIVE PART field so you can use it to search for cross-references." L013628. See also '516 element 9c.			
'683 Patent											

AGR

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
3. An electronic sourcing system comprising:	3P			3. An electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors, comprising:	Invalid as indefinite. See elements 3a and 3b  <del>Invalid for lack of written description. See element 3f.</del>	Johnson discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  The reference discloses locating items to purchase: "The host computer 10 compares the received part number to its master database of Distributor catalog items, and if it finds a match creates a data block using the data in the master database (which is in host database 20) to send back to local computer 40." 23:11-15. Also Fig. 3, box 202 and Fig. 5A, box 338. A Distributor is a "supplier."	<del>P.O. Writer is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.</del>  Locating items is disclosed at L0127625-30 (Requisitioning manual). Purchasing the located items is disclosed at L0126745-56 et seq. (Purchasing Tutorial).  Multiple vendors are disclosed: "P.O. WRITER PLUS keeps a record of your Vendors in the VENDOR MASTER FILE." L0126734	J-CON is an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors (Retail). Locating items is disclosed, e.g., at L012360: "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket."  Purchasing items is disclosed, e.g., at L0123459 et seq. ("Start the Sale"). (Dealer). Sourcing for inventory is disclosed, e.g., at L0123681 et seq. (Purchasing and Receiving) and, e.g., at L0123964 et seq. (Inventory Information). Multiple vendors are disclosed: "ORDER BY CODE. If the manufacturers parts are ordered from one vendor (by line) enter "L" multiple vendors (by subline), enter "S" .... If you have second and third choices for vendors enter their vendor numbers." L0125080 "Adding and Editing Vendors. Most of your vendors were added when your system was set up. When you add new vendor most prompts you receive are self-explanatory." L0125142	IBM TV/2 discloses and electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors.  Locating items is disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.  Finding items to purchase is disclosed: "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128.  Multiple vendors are disclosed: "information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format ... The information can include text diagrams and photographs." L0132126	King discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "This invention relates to a method and system for facilitating the ordering of items from suppliers." Abstract.  Searching for desired items is disclosed: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within" 2:32-33. "The Requester is the party who defines the need for a purchased item and has the responsibility for creating the purchase requisition. Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:40-45  Purchasing the items is disclosed: "The Customers/Requestors 102 are those who purchase products and/or services from the catalogs." 3:36-37. "Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)." 6:11-15	Dworkin discloses an electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors: "An automated system assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database. The database contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the database contains information on price, vendor, specifications and/or availability." Abstract.
						Claim 3 is anticipated by Johnson, as shown below.	P.O. Writer anticipates claim 3.	Claim 3 is anticipated by J-CON.		Claim 1 is anticipated by King.	
at least two product catalogs containing data relating to items associated with the respective sources;	3a			at least two organized collections of items and associated information, published by a vendor (which includes suppliers, manufacturers, and distributors), which preferably includes a part number, price, catalog number, vendor name, vendor ID, a textual description of the item, and images of or relating to the item containing data relating to items associated with the respective sources;	Indefinite. "Sources" and "the respective sources" lack antecedent basis. They could refer to the sources of the items or the sources of the catalogs.	Johnson has a collection of organized collections of items and associated information (catalogs) stored electronically in a database: "Each item record preferably includes information such as Distributor's catalog or part number for the Product, Distributor's list price, Distributor's current cost, Distributor's Insupplier (vendor) for the Product and a code identifying the Product as part of a product grouping to be treated similarly for customer discounting purposes." 3:24-29.  The catalog is published by a vendor (Fisher).  The collection is maintained in a database (electronic format). The database contains information about products of multiple vendors: "Host database 20 also includes data regarding Distributor's cost, prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." 3-62-65. This information about the products of third-party suppliers/vendors is also published by a Distributor/vendor.	<del>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</del>  P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base." L0126575.  P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.  The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy. In the Vendor Number field, type 12345 [ENTER]." L0126552.  Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell." L0126575	The J-CON system maintained automotive parts information from multiple manufacturers and multiple vendors in an electronic database, including such information as part number, auto make, model, and year, engine size, subassembly, product description, inventory status, price, manufacturer, distributor(s), and unit of measurement. The J-CON system included the information previously maintained by automotive parts stores in a large collection of printed automotive parts catalogs.  "PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER you can forget those time consuming searches through manufacturer catalogs" L0124897.  Changing catalogs is described at L0124922. Therefore, J-CON included a collection of catalogs.	IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.	King discloses that a supplier creates a collection of three separate catalogs for searching: a Master Catalog, a Public Catalog, and Private Catalog. Fig. 1, 2:20-26; 7:5-20. The catalogs are published by suppliers. 3:15-56.  "Referring to FIG. 2, the Electronic Catalog consists of the Supplier Master Catalog 108, the Public Catalog 106 and the Private Catalog 110." 3:61-63.  The catalogs include data about items: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59.	Dworkin discloses this element, as shown in Fig. 1:  'In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers. 3:66-68. See also '172 claim 1c.
						At least two organized collections are disclosed: Host Data Base 20 and Local Data Base 50. See Fig. 3.  Also, to the extent that ePlus reads the limitation to be met by Lawson's present system, i.e. it is sufficient to have products from multiple vendors in the database, the limitation is also met by Johnson.					

AGR

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
means for selecting the product catalogs to search;	3b			Function: to select the organized collections to search  Structure: search programs and modules operating on a computer system with access to data in a database or other file system, and their equivalents. See e.g., '683 Patent at 4:1-6:38; 7:61-12:37; FIGS. 1-2; APP. III-V and VII (describing local computer 20, search program 50, TV/2, and search program 250)  SAME STRUCTURE AS IN MEANS IN '172 1 AND '683 6	Indefinite. "the product catalogs to search" lacks antecedent basis.	The search programs and modules operating on a computer system with access to data in a database or other file system are the program described in Fig. 3, particularly boxes 200, 201, 202 and 204.  "The entered stock number appears on the data screen as it is being entered. In step 201, the entered stock number is added to the appropriate field of the Requisition Item Table in local database 50 along with the associated line number. In step 202, local computer 40 searches the Part Master Table in local database 50 for the STOCK NBR that has just been entered (which can be either the Customer's stock number or a valid cross-reference number such as a Distributor catalog number)." 8:42-51	<del>The reference discloses a search program, described, e.g., at L0126941-51.</del>  <del>The search is disclosed, e.g., at L0126941-5. A portion of the database matching the entered product information can be located, e.g., by specifying a CATALOGUE ID. L0126944. Search results are shown, e.g., at L0126946.</del>  <del>A file system is disclosed containing the information to be searched: "The 'foundation' of the P.O. WRITER PLUS system is a group of 13 files, referred to as the Master Files. They contain information about what you buy, who you buy from, who does the buying, etc. Information maintained in these files is used to create a Purchase Order." L0126723</del>	<del>To the extent that ePlus contends the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by JCON and Lawson's prior art system. Under this theory, JCON discloses a means for selecting organized collections to search:</del>  <del>"You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search." L0123624.</del>  <del>The purpose of InterChange was to allow selection from among competitive items from multiple sources.</del>	TV/2 discloses a means for searching for search results that match the entered product information in the selected portions of the database. TV/2 searched for items using specific criteria, such as keywords or part numbers." L0132133. "The following are some of the features of Technical Viewer/2: ... Search: A search facility that can locate every occurrence of a word or phrase) in either the current topic, a list of selected topics, the complete document, or another document. A global character can be used to search for a partial string." L0132128 "You can search through parts catalogues, service manuals, stock lists, schematics, user documentation, warranty information and training aids." L0132132. The "database" includes the parts catalogs being searched. Note that TV/2 is part of the Court's construction of the structure corresponding to this means.	<del>King discloses a means for searching for search results that match the entered product information in the selected portions of the database. 5:42-47. "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.</del>  <del>The database comprises the catalogs, so the search program has access to data in a database.</del>  <del>Search results are disclosed in Fig. 3, box 304, in which the results are used to fill the fields of an electronic requisition.</del>	Dworkin discloses a means for searching for search results that match the entered product information in the selected portions of the database: "The system accepts a selection from the user, in block 31. The selection can be made by transmitting the number associated with the desired item." 5:35-37. See also 5:55-62.  "Thus, if the user indicates that the printer must have a letter-quality speed of 40 cps, the system will search for printers which have a letter-quality speed of 40 cps or faster." 6:7-10. Searching cannot be performed unless the criteria are communicated to the search engine.  "When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria." 6:12-14.  "Then, in block 40, the system displays the results." 6:14-15.
						To the extent that ePlus contends that Lawson's present system meets this limitation, i.e., that selecting organized collections can be accomplished by restriction a vendor number or product type, it is also met by Johnson and Lawson's prior art system.  Under ePlus's theory of infringement, Johnson performs the function of selecting the organized collections to search. "In a preferred embodiment of the invention, the system provides requisitioning and inventory management for five distinct product types. The first such product type-type 01.-covers products owned by the distributor which are stored at a Just-In-Time (JIT) warehouse either at the customer location or nearby. The present system maintains inventory records for product type 01 products in both local database 50 and host database 20." 5:21-28			"With Technical Viewer/2, there's no need to turn from your computer to a microfiche viewer or shelf of books when you need addition information to complete the job you're working on. Instead, simply call for the information by specifying key words such as product part numbers or names, instructing the computer by selecting an icon on the screen or using the keyboard." L0132133. Search results are produced to create a "shopping list": "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133. Therefore, this means is disclosed under Plaintiff's construction.		
means for searching for matching items among the selected product catalogs;	3c			Function: searching for search results among the selected product catalogs  Structure: search programs and modules operating on a computer system with access to data in a database or other file system, and their equivalents. See e.g., '683 Patent at 4:1-6:38; 7:61-12:37; FIGS. 1-2; APP. III-V and VII (describing local computer 20, search program 50, TV/2, and search program 250)  NOTE: SAME AS MEANS IN '172 1, '683 6		The search programs and modules operating on a computer system with access to data in a database or other file system are the program described in Fig. 3, particularly boxes 200, 201, 202 and 204.  "The entered stock number appears on the data screen as it is being entered. In step 201, the entered stock number is added to the appropriate field of the Requisition Item Table in local database 50 along with the associated line number. In step 202, local computer 40 searches the Part Master Table in local database 50 for the STOCK NBR that has just been entered (which can be either the Customer's stock number or a valid cross-reference number such as a Distributor catalog number)." 8:42-51	<del>The reference discloses a search program, described, e.g., at L0126941-51.</del>  <del>The search is disclosed, e.g., at L0126941-5. A portion of the database matching the entered product information can be located, e.g., by specifying a CATALOGUE ID. L0126944. Search results are shown, e.g., at L0126946.</del>  <del>A file system is disclosed containing the information to be searched: "The 'foundation' of the P.O. WRITER PLUS system is a group of 13 files, referred to as the Master Files. They contain information about what you buy, who you buy from, who does the buying, etc. Information maintained in these files is used to create a Purchase Order." L0126723</del>	<del>The reference discloses a means for searching for search results (a search program) that match the entered product information in the selected portions of the database: "PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER, you can forget those time-consuming searches through manufacturer catalogs. Instead, you can look up parts in seconds with just a few clicks of the keyboard. When you find what your customer wants, PART-FINDER puts the parts on the ticket for you." L0124897. A list of responsive search results is shown at L0124911.</del>  <del>A database is disclosed for searching: "You use PART-FINDER Maintenance to customize and update your PART-FINDER database." L0124947</del>	TV/2 discloses a means for searching for search results that match the entered product information in the selected portions of the database. TV/2 searched for items using specific criteria, such as keywords or part numbers." L0132133. "The following are some of the features of Technical Viewer/2: ... Search: A search facility that can locate every occurrence of a word or phrase) in either the current topic, a list of selected topics, the complete document, or another document. A global character can be used to search for a partial string." L0132128 "You can search through parts catalogues, service manuals, stock lists, schematics, user documentation, warranty information and training aids." L0132132. The "database" includes the parts catalogs being searched. Note that TV/2 is part of the Court's construction of the structure corresponding to this means.	<del>King discloses a means for searching for search results that match the entered product information in the selected portions of the database. 5:42-47. "Through an application program, the Requester initiates the requisition by accessing the Public or Private Catalog to search for the item of interest (Block 300)." 5:42-45.</del>  <del>The database comprises the catalogs, so the search program has access to data in a database.</del>  <del>Search results are disclosed in Fig. 3, box 304, in which the results are used to fill the fields of an electronic requisition.</del>	Dworkin discloses a means for searching for search results that match the entered product information in the selected portions of the database: "The system accepts a selection from the user, in block 31. The selection can be made by transmitting the number associated with the desired item." 5:35-37. See also 5:55-62.  "Thus, if the user indicates that the printer must have a letter-quality speed of 40 cps, the system will search for printers which have a letter-quality speed of 40 cps or faster." 6:7-10. Searching cannot be performed unless the criteria are communicated to the search engine.  "When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria." 6:12-14.  "Then, in block 40, the system displays the results." 6:14-15.



<div>AGR</div> <div>MIL 2-SSS</div> <div>MIL 2-SSS</div> <div>MIL 2-SSS</div>											
Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
									"With Technical Viewer/2, there's no need to turn from your computer to a microfiche viewer or shelf of books when you need addition information to complete the job you're working on. Instead, simply call for the information by specifying key words such as product part numbers or names, instructing the computer by selecting an icon on the screen or using the keyboard." L0132133. Search results are produced to create a "shopping list": "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133. Therefore, this means is disclosed under Plaintiff's construction.		
means for building a requisition using data relating to selected matching items and their associated source(s);	3d			Function: building a requisition using data relating to selected matching items and their associated source(s).  Structure: requisition module operating on a computer system having access to data in the database, and its equivalents. See e.g., '683 Patent at 1:25-35; 3:3-19; 6:40-65; 7:36-8:14; 15:46-49; FIGS. 1-3 (describing various embodiments of requisition modules including requisition/purchasing system 40, requisition management ("REQI") module 44A and requisition maintenance program 44C)  NOTE: SAME AS MEANS IN '172 1 and '683 6		The reference discloses building a requisition using data obtained from a database relating to items on a list of desired catalog items  "By accessing its respective database, each computer can build and transmit to the other computer communications blocks of data relating to a particular requisition of an item in Just-in-Time (JIT) inventory or to the management of the JIT inventory." Abstract.  The data is used to build a requisition: "The other computer can then use the received data to continue processing of the requisition or to update its JIT inventory records. Thus requisition records are created from a realtime interaction between the host and local computers, with each computer using data from its respective database in conjunction with information entered by a Customer Service Representative (CSR) operating the local computer." Abstract.  The "requisition module" comprises the software that performs these functions.	<del>The reference discloses building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.</del>  <del>A requisition module performs the following steps. While a list responsive to a search is being displayed, as shown at L0127530, the user can hit F7, which causes data relating to selected matching items to be transferred to a requisition program, which is the module that, in response to F7, creates a requisition. The data is then used to build a requisition, as described in the citations for element 1d, above and at L0127531-36.</del>	<del>The reference discloses a means for building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.</del>  <del>The reference discloses transferring data relating to selected search results (from a browse window) to a requisition module that creates a "purchase request." L0127931. A requisition (called a "supply request" or a "purchase request" in the reference) is built from the selected items in the browse window. L0127970.</del>	TV/2 discloses a means for building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.  Data related to selected items is sent to a parts ordering system (requisition module): "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133.  The requisition module has access to data in the database, e.g. the order list is built from the exploded parts diagram referred to at L0132133.	<del>King discloses a means for building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.</del>  <del>The requisition module is the software that receives "pertinent ordering information": "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.</del>  <del>The "pertinent ordering information" comes from the database, so the requisition module has access to data in the database.</del>	Building requisitions is not disclosed in Dworkin. Nevertheless, it would have been obvious to use the product search and selection mechanism of Dworkin to build requisitions, as suggested, e.g., by Fisher RIMS, PO Writer, Gateway, J-CON, TV/2, King Jr. or Doyle.
means for processing the requisition to generate one or more purchase orders for the selected matching items; and	3e			Function: processing the requisition to generate one or more purchase orders for the selected matching items  Structure: purchase order generation module operating on a computer system having access to the requisition; and its equivalents. See e.g., '683 Patent at 1:37-59; 3:3-24; 10:43-54; 15:20-59, FIGS. 1-3 (describing systems and processes that operate to generate purchase orders including requisition/purchasing system 40)  NOTE SAME AS MEANS IN '172 1, '683 6		Fig. 5A shows generating different purchase orders from the same requisition depending on "product type." Block 332.  As described in the diagram FIGS. 5A and 5B, for items of product types 01, 03 and 04, local computer 40 uses Purchase Order Build Program 112 to create a purchase order between the Customer and the Distributor from the data in the Requisition Header and Item Tables." 17:37-42.  "For items of product type 06, a Purchase Order record internal to the Customer may be created at this stage, recording a sale from the Customer's purchasing department to the requisitioning department or account, for later use by the Customer's host computer in making accounting adjustments." 17:44-49.  "In step 338, local computer 40 creates and transmits to host computer 10 a purchase order data block containing at least the customer account number (ACCT-NBR) and Requisition Number (REQ NBR) from the Requisition Header Table and 10 the line number (LINE), item stock number (STOCK NBR), quantity to be purchased (QTY), unit of measure (UM), product type (PT),	<del>The reference discloses a purchase order generation module operating on a computer system having access to the requisition.</del>  <del>The user causes a purchase order to be generated from a requisition at least when the user enter "P" or "U" as described at L0127535 to transmit the requisition to Purchasing.</del>  <del>P.O. Writer enabled a purchase order to be created from the requisition list by pressing F4. L0126950. Generating purchase orders from requisitions is also shown at L0126969. Requisitions including items purchased from different vendors were split into different purchase orders by vendor. L0126976. "Requisitions can be turned into Purchase Orders (or Requests for Quotes) on a one-to-one basis. Requisitions can also be consolidated or split automatically." L0126966.</del>	<del>The reference discloses a means for processing a requisition to generate purchase orders for requisition items.</del>  <del>A purchase order generation module for generating purchase orders is disclosed at L0125131-3, e.g., "Once you fine tune the buying instructions that you've set up for J-CON you can let J-CON automatically compute and send POs during End-of-Day EOD." L0125131. "You can set up J-CON to automatically compute POs during EOD. You can also set it to automatically transmit POs to vendors who use A-DIS." L0123693</del>  <del>The module has access to the requisition (ticket): "When you compute PO for pdmaiyr or alternate vendor J-CON checks each manufacturer to see which ones should be ordered from the vendor. It then checks every part from each of those manufacturers to see which ones need to be ordered." L0123695</del>	TV/2 discloses a means for processing a requisition to generate purchase orders for requisition items: "For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133. The parts list is the requisition. Sending the requisition to the parts ordering system (purchase order generation module) gives it access to data in the database.	<del>King discloses a means for processing a requisition to generate purchase orders for requisition items:</del>  <del>"If approved the requisition will be routed to the company's procurement system (Block 312) for items ordered from the Private Catalog. For items not from the Private Catalog, the requisition goes to the Buyer for completion of the requisition and approval of the Supplier (Block 314)." 5:59-64.</del>	<del>No requisition is disclosed in Dworkin. However, as discussed above, it would have been obvious to use Dworkin to produce requisitions.</del>  <del>The order module of Dworkin generates purchase orders. A "predetermined rule," e.g. is that a user can set up the system so he need not enter a name and address each time a product is ordered. 8:20-24.</del>

<div>AGR</div> <div>MIL 2-SSS</div> <div>MIL 2-SSS</div>											
Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
						<p>net unit price (UNIT PRICE) and net total price (EXT PRICE) from the Requisition Item Table." 18:31-40.</p> <p>The patents-in-suit recognize that purchase orders for type 06 products constitute a separate purchase order from purchase orders for other type products:</p> <p>"Once a requisition has been inventory sourced and accepted by the CSR, it can be converted to one or more purchase orders, as represented by step 114 in FIG. 3. For example, the requisition represented by the Requisition Item Table 46 of Appendix IX, if accepted without further revision by pressing function key F6 ("ACCEPT"), would result in the generation of the following three purchase orders:</p> <p>A. Line 002 would be ordered from on-site distributor-owned inventory;</p> <p>B. Line 004 would be ordered from on-site customer-owned 50 inventory (a transfer internal to the customer); and</p> <p>C. Lines 001 and 003 would be ordered, respectively, from Distributor's "DEL and "EDC" warehouses." '683 patent, 15:39-41</p>				<p><del>To the extent that this step is alleged to be disclosed in the '472 patent, it is also disclosed in reference: "The Electronic Requisition facility is used by the Customer/Requestors to electronically create purchase requisitions based upon the information provided in the catalogues and route the requisitions through the appropriate approval process within the enterprise. Requisitions are then processed through the customer's procurement system and transmitted electronically as purchase orders to Suppliers."</del></p> <p>Abstract. <del>"Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316)."</del> 6:11-15.</p>	
means for converting data related to a selected matching item and an associated source to data relating to an item and a different source.	3f			Function: converting data relating to a selected matching item and an associated source to data relating to an item and a different source	<div>There is no written description of any "means for converting."</div>	<p>The reference contains extensive disclosure of cross-reference tables for converting data, which has been construed as substituting data.</p> <p>The reference discloses maintaining a cross-reference table or file identifying cross-referenced items: "As described below, such designation of product type 03 will be verified during the Sourcing steps using the product records and cross-reference files contained in host database 20." 8:58-61. The "cross-reference files" are cross-reference tables. "The Host Cross-Reference Table includes, for each item regularly stocked or supplied by the Distributor (i.e., items of product type 01 or 03) a list of the corresponding part numbers of Distributor's vendor and other distributors (which are identified by a competitor number) for items which have been determined to be equivalent." 32:14-19.</p>	<p><del>To the extent ePlus accuses Lawson's system of possessing this element, i.e. through the use of UNSPSC codes, the reference and Lawson's prior art system also disclose the element.</del></p> <p><del>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g. Best Buy and Bayless. In order to produce this screen, P.O. Writer must possess the claimed "determination system." An example of the required table is shown on page L0126552, showing catalog numbers for items that are generally equivalent.</del></p> <p><del>Cross-referenced items and identical items are shown in the table at L0126552</del></p>	<p><del>The reference discloses a means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source.</del></p> <p><del>To the extent that ePlus contends that UNSPSC codes in Lawson's accused system designate "generally equivalent" items, this limitation is also disclosed in J-CON and in Lawson's prior art system.</del></p> <p><del>The reference discloses maintaining a cross-reference table (non-catalog database) or file identifying cross-referenced items: "InterChange is an optional product that you use to find an equivalent (or InterChange) part for a competitive part. You start InterChange from POS or from PartFinder." L0123621. J-CON uses cross-reference tables to match identification codes: "If you use different manufacturer codes in your JIF than are in the PART-FINDER database you can cross-reference them. This enables PARTFINDER to find part information." L0124947.</del></p>	This means is not disclosed in the reference.	This means is not disclosed in the reference.	This means is not disclosed in the reference.
						<p>"If host computer 10 does not find the item in the Distributor product data, it then searches one or more Host Cross Reference Tables for the item." 32:60-63.</p> <p>"If the CSR has previously created a cross-reference entry in the Cross Reference Table (using Cross Reference Maintenance data screen 76) for the item, some or all of the information on Non-Catalog Information data screen 80 will be automatically filled in using the data associated with that stock number (of the vendor) in the Cross-Reference Table in local database 50." 10:50-56. "In the present system, the ordered item is likely not to be found in that file because (as described below) the local computer 40 will normally convert Customer stock numbers to Distributor catalog numbers using the Local Cross Reference Table before the data block is sent (see block 282 in FIG. 4C)." 33:9-14.</p> <p>See, generally, 31:60-34:67.</p>		<p><del>"If you have PartFinder you can add InterChange to your J-CON. InterChange cross-references parts in lines you don't stock (called competitive parts) to parts in lines you do stock (called InterChange parts)."</del> L0123601.</p> <p><del>"[T]ype the selection number of the InterChange part you want to use in the SELECTION field then press InterChange. InterChange enters the selected part number in the COMPETITIVE PART field so you can use it to search for cross-references."</del> L013628.</p> <p>See also '516 element 9c.</p>			





DX 121/DX  
122 MTE

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
selecting the product catalogs to search;	26b			selecting the organized collections to search;	Indefinite. Although "product catalogs" appeared previously, "the product catalogs to search" has no antecedent basis and it is not clear from "the product catalogs to search" whether all the product catalogs must be searched. If less than all, then "the product catalogs to search" has no antecedent basis.	Searches may be limited to a selection of catalogs by specifying a vendor number. 10:39-50; 15:14-26. Searches may also be limited by Distributor warehouse. 22:36-47.  To the extent that ePlus reads the limitation to be met by Lawson's present system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by Lawson's prior art system. See also '516 1d.	<del>P.O. Writer enabled a user to select a particular product catalog to search using the CATALOGUE ID (a "vendor identification code").</del> L0126501 & L0126944-46. <del>The system may contain multiple CATALOGUE ID'S.</del> SAP_083522.  P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless. or any other vendor you would like to select." L0126552.  See also '516 1d.	To the extent that ePlus reads the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by J-CON and Lawson's prior art system.  <del>Searches may be limited to a particular manufacturer.</del> "You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search." L0123624.  See also '516 1d.	As discussed above in connection with '516 1b, the catalog to be searched is determined by the customer via a "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128.  See also '516 1d.	As discussed above in connection with '516 1b, the catalog to be searched is determined by the customer via the "Customer preferred path controller" disclosed at 2:26-31.  See also '516 1d.	The user's catalog selection was described above in connection with '516 claim 1, particularly 1d.
searching for matching items among the selected product catalogs;	26c			searching for search results among the selected organized collections;		"The CSR can now enter the items and quantities for the requisition. The item is identified by entering the Distributor catalog number of the desired item in the field below the STOCK NBR label on the appropriate line number in Requisition Management data screen 68." 8:16-21.  "In step 202, local computer 40 searches the Part Master Table in local database 50 for the STOCK NBR that has just been entered." 8:46-49.  See also '172 1c.	<del>The reference discloses a search program, described, e.g., at L0126941-51.</del>  <del>The search is disclosed, e.g., at L0126941-5. A portion of the database matching the entered product information can be located, e.g., by specifying a CATALOGUE ID. L0126944. Search results are shown, e.g., at L0126946.</del>  <del>A file system is disclosed containing the information to be searched. The "foundation" of the P.O. WRITER PLUS system is a group of 13 files, referred to as the Master Files. They contain information about what you buy, who you buy from, who does the buying, etc. Information maintained in these files is used to create a Purchase Order." L0126723</del>	<del>"The Part Index is an alphabetized list of parts that gives each parts group and subgroup. There are two ways to find part in the Part Index. Press Index at the GROUP SUBGROUP or SELECTION field. At SEARCH FOR enter part or all of the part name. The more letters you enter the more accurate the search will be. At the GROUP SUBGROUP or SELECTION field type the first 1-4 letters of the part name and press Index. Whichever method you use J-CON displays the index page for parts beginning with the letters you entered. The group and subgroup or subgroups are to the left of the part name." L0123609.</del>  See also '172 1c.	Items may be searched by having the user "simply call for the information by specifying key words such as product part numbers or names instructing the computer by selecting an icon on the screen or using the keyboard." L0132133.  See also '172 1c.	Items may be searched by means of: "a catalog finder which provides efficient search routines to locate Supplier catalogs card items within." 2:32-33. "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.  See also '172 1c.	"When the user enters the number or identifier of a product or service appearing on the above-described display, the system shows the user the names of the suppliers from whom that product or service can be obtained." 2:25-29.  See also '172 1c.
							P.O. Writer enabled a user to search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. L0127525.				
building a requisition using data relating to selected matching items and their associated source(s);	26d			building a requisition using data relating to requisition items and their associated source(s);		"The CSR can then enter the quantity of the item being requisitioned in the field below the QTY label in Requisition Management data screen 68. The entered quantity will be displayed on data screen 68 and this data will be entered into the appropriate field of the Requisition Item Table in local database 50." 10:3-8. The selections are those for which non-zero quantities are entered.  The data is used to build a requisition: "The other computer can then use the received data to continue processing of the requisition or to update its JIT inventory records. Thus requisition records are created from a realtime interaction between the host and local computers, with each computer using data from its respective database in conjunction with information entered by a Customer Service Representative (CSR) operating the local computer." Abstract.  See also '172 1e, '683 3d.	The reference discloses building a requisition that uses data obtained from said database relating to requisition items on said list of desired catalog items.  A requisition module performs the following steps. While a list responsive to a search is being displayed, as shown at L0127530, the user can hit F7, which causes data relating to selected matching items to be transferred to a requisition program, which is the module that, in response to F7, creates a requisition. The data is then used to build a requisition, as described in the citations for element 1d, above and at L0127531-36.  See also '172 1e, '683 3d.	<del>The reference discloses transferring data relating to selected matching items to a requisition program. "When you return to Point-Of-Sale from PART-FINDER, J-CON automatically places all parts you selected with PART-FINDER on a ticket." L0124919.</del>  <del>The ticket causes a requisition for parts needed by a customer to be generated (built) when the ticket is finalized. "Only when the hold ticket is finalized does J-CON process it." L0124797.</del>  See also '172 1e, '683 3d.	Building a requisition is disclosed: "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133.  See also '172 1e, '683 3d.	Building a requisition is disclosed as "load pertinent ordering information into an electronic requisition." 2:62-63.  See also '172 1e, '683 3d.	Building requisitions is not disclosed in Dworkin. Nevertheless, it would have been obvious to use the product search and selection mechanism of Dworkin to build requisitions, as suggested, e.g., by Fisher RIMS, PO-Writer, Gateway, J-CON, TV-2, King Jr. or Doyle.

DX-121/DX 122 MTE												MIL 2-SSS												MIL 2-SSS												MIL 2-SSS												MIL 2-SSS											
Asserted claim		Dep.				Equiv.						Shamos Opinion re Johnson et al. 5,712,989		Shamos Opinion re P.O. WRITER		Shamos opinion re J-CON		Shamos opinion re IBM TV-2		Shamos Opinion re King Jr. et al. 5,319,542		Shamos Opinion re Dworkin U.S. Patent 4,992,940																																					
processing the requisition to generate one or more purchase orders for the selected matching items; and		26e						processing the requisition to generate one or more purchase orders for the requisition items; and				Generating purchase orders is disclosed at least in Fig. 2A, box 112 (Purchase Order Build program) and Fig. 5A, box 336. "In the preferred embodiment of the present invention, a typical requisition will often have several line items. In that event, the entire requisition is processed line by line by the respective computers before transmitting data to the other computer. Similarly, only one purchase order is generated for the requisition." 17:65-18:3.		The reference discloses a purchase order generation module operating on a computer system having access to the requisition.		J-CON generated multiple purchase orders from a single requisition. "The purchasing programs enable you to quickly create purchase orders based on your real needs." L0123423.		Purchase orders are generated by the customer's parts ordering system: "You can also create a 'shopping list' just by selecting items and passing that list to another application. For example, you might select parts to be ordered from the exploded drawing in a parts catalogue. The parts list could then be sent directly to your parts ordering system." L0132133.		Generation of multiple purchase orders is disclosed. "Requisitions are then processed through the customer's procurement system and transmitted electronically as purchase orders to Suppliers." Abstract. "The Customer, in turn, would then search the Catalogs for items to be purchased, load pertinent ordering information into an electronic requisition, and send electronic Purchase Orders for the items to the Suppliers." 2:60-64.		No requisition is disclosed in Dworkin. However, as discussed above, it would have been obvious to use Dworkin to produce requisitions. The order module of Dworkin generates purchase orders for selected matching items.																																					
												"As described in the diagram FIGS. 5A and 5B, for items of product types 01, 03 and 04, local computer 40 uses Purchase Order Build Program 112 to create a purchase order between the Customer and the Distributor from the data in the Requisition Header and Item Tables." 17:37-42.		The user causes a purchase order to be generated from a requisition at least when the user enter "P" or "U" as described at L0127535 to transmit the requisition to Purchasing.		"You can set up J-CON to automatically compute POs during EOD. You can also set it to automatically transmit POs to vendors who use A-DIS. The POs can go to primary and alternate vendors and to other vendors for whom you have set up PO control files in Function 7.7." L0123693.		See also '172 1f.		See also '172 1f.																																							
												"For items of product type 06, a Purchase Order record internal to the Customer may be created at this stage, recording a sale from the Customer's purchasing department to the requisitioning department or account, for later use by the Customer's host computer in making accounting adjustments." 17:44-49.																																															
												"In step 338, local computer 40 creates and transmits to host computer 10 a purchase order data block containing at least the customer account number (ACCT-NBR) and Requisition Number (REQ NBR) from the Requisition Header Table and 10 the line number (LINE), item stock number (STOCK NBR), quantity to be purchased (QTY), unit of measure (UM), product type (PT), net unit price (UNIT PRICE) and net total price (EXT PRICE) from the Requisition Item Table." 18:31-40.																																															
												Each time a requisition is accepted by the CSR, a purchase order is generated. Thus the reference discloses multiple purchase orders.																																															
												Fig. 5A shows generating different purchase orders depending on "product type." See decision block 332.																																															
determining whether a selected matching item is available in inventory.		26f						determining whether a requisition item is available in inventory.		Indefinite because it cannot be determined whose "inventory" is meant. A matching item may be associated with multiple sources and it is not even clear whether any of those sources is meant or whether "inventory" refers to the user's own inventory, in which case it may not be necessary to create a purchase order.		The reference discloses an inventory management system, e.g., the title of the reference is "JUST-IN-TIME REQUISITION AND INVENTORY MANAGEMENT SYSTEM."		"The Inventory Control Module allows you to track on-hand Inventory balances capture and report usage history and automatically generate Re-order Analysis as often as you like." L0126633.		"In POS you can check a stocking part's available quantity, stock quantity, and price levels. .... With inventory inquiry, you can check stocking parts prices and availability." L0125060. "The steps of determining whether a matching item is in inventory are shown at L0125060. See also "Warehouse inquiry" at L0125061.		"[I]n addition to finding a part number from a parts catalog, users can extract that information and transfer it electronically to their data processing system. They can make immediate online requests for stock availability and price information." G0000020.		This step is not disclosed in the reference. However, it was obvious to check inventory to determine if an item was in stock before issuing a purchase order to buy more of the same item.		The supplier information screen (FIG. 7) could also include information on the availability of the product. Such information (not shown in FIG. 7) could include 1) the time required for the product to be shipped ..." 7:54-57																																					
												"FIGS. 4A through 4D are flowcharts describing programs employed by an embodiment of the system of the present invention to source requisitioned JIT inventory owned by either the distributor or the customer, other inventory owned by the Distributor, and inventory owned by other vendors." 2:46-51.		The Inventory Control module is the subject of an entire manual at L0126148-395.		"JIF Inquiry gives you inventory information about parts in your JIF. You begin JIF Inquiry by pressing JIF Inquiry from any field on the POS screen except WRKSTAT." L0123450.																																											
												While the present invention is applicable to the management of inventory at the JIT facility 51 which is all customer-owned inventory 54, in most cases the JIT facility 51 contains only Distributor-owned inventory 52 or contains both types of inventory 52 and 54." 4:31-35.				"Warehouse Inquiry gives you inventory information about parts at your serving warehouse. You begin Warehouse Inquiry by pressing <Whse Inquiry> from any field on the POS screen except WRKSTAT." L0123451. Inventory inquiry is described in detail starting at L0123541.																																											

AGR

MIL 2-SSS

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
						<p>"If, on the other hand, the entered stock number is found in the Part Master Table in local database 50 ... Requisition Item Table is updated with the following information from the entry in the Plant Location Table in local database 50 associated with relevant stock number: the quantity of the item available in the Customer-owned inventory 54 in the JIT facility 51 (for product type 06) or in the Distributor-owned inventory 52 in the JIT facility 51 (for product type 01)." 8-62-9:8.</p> <p>"In the instance where the stock number is found in the local database 50, the display of data screen 68 is then updated in step 212 by displaying: ... the quantity of the item available in the ill facility 51 as Customer -owned inventory 54, product type 06, or as Distributor-owned inventory 52." 9:35-44.</p>					
28. A method comprising the steps of:	28P		'683 26P	28. A method comprising the steps of:	<p><del>Invalid for lack of written description. See step 28f</del></p> <p>Invalid as indefinite. See steps 28a, 28b.</p>	<p>The reference discloses a method.</p> <p>Claim 28 is anticipated by Johnson, as shown below.</p>	<p>The reference discloses a method.</p> <p>Claim 28 is anticipated by P.O. Writer, as shown below.</p>	<p>The reference discloses a method.</p> <p>Claim 28 is anticipated by J-CON, as shown below.</p>	<p>The reference discloses a method</p>	<p>The reference discloses a method.</p>	<p>The reference discloses a method.</p>
maintaining at least two products catalogs on a database containing data relating to items associated with the respective sources;	28a		'683 26a	maintaining at least two organized collections of items and associated information, published by a vendor (which includes suppliers, manufacturers, and distributors), which preferably includes a part number, price, catalog number, vendor name, vendor ID, a textual description of the item, and images of or relating to the item on a database containing data relating to items associated with the respective sources;	<p>Indefinite. "The respective sources" has no antecedent basis. It could refer to the sources of the items or the sources of the catalogs.</p>	<p>Johnson has a collection of organized collections of items and associated information (catalogs) stored electronically in a database: "Each item record preferably includes information such as Distributor's catalog or part number for the Product, Distributor's list price, Distributor's current cost, Distributor's Insupplier (vendor) for the Product and a code identifying the Product as part of a product grouping to be treated similarly for customer discounting purposes." 3:24-29.</p> <p>The catalog is published by a vendor (Fisher).</p> <p>The collection is maintained in a database (electronic format). The database contains information about products of multiple vendors: "Host database 20 also includes data regarding Distributor's cost, prices and vendors for items from third-party suppliers 37 and 38 which are regularly distributed by Distributor to its customers." 3-62-65. This information about the products of third-party suppliers/vendors is also published by a Distributor/vendor.</p>	<p><del>To the extent that ePlus contends that this limitation is met by Lawson's accused system, i.e., that restricting a search by vendor number constitutes searching a "separate portion," this limitation is also met by P.O. Writer and Lawson's prior art system.</del></p> <p><del>P.O. Writer maintained catalog data in an electronic database (electronic format): "Bayless Stationer publishes a catalogue of office supplies they sell. A very small portion of this catalogue has been pre-loaded in the sample data base." L0126575.</del></p> <p><del>P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.</del></p> <p><del>The P.O. Writer database could be searched by vendor number, indicating a portion to be searched separately: "Since you haven't received a response from Bayless yet, order from Best Buy: In the Vendor Number field, type 12345 [ENTER]." L0126552.</del></p> <p><del>Catalogs were published by vendors: "Bayless Stationer publishes a catalogue of office supplies they sell." L0126575</del></p>	<p><del>The J-CON system maintained automotive parts information from multiple manufacturers and multiple vendors in an electronic database, including such information as part number, auto make, model, and year, engine size, subassembly, product description, inventory status, price, manufacturer, distributor(s), and unit of measurement. The J-CON system included the information previously maintained by automotive parts stores in a large collection of printed automotive parts catalogs.</del></p> <p><del>"PART-FINDER is J-CON's electronic catalog system that you use together with Point-Of-Sale. You use PART-FINDER to look up parts and Point-Of-Sale to sell them. With PARTFINDER you can forget those time consuming searches through manufacturer catalogs" L0124897.</del></p> <p><del>Changing catalogs is described at L0124922. Therefore, J-CON included a collection of catalogs.</del></p>	<p>IBM TV/2 maintained a database with information from multiple catalogs: "Technical Viewer/2 is an electronic documentation program that any organization can use to produce and display large amounts of information. In particular, information providers such as manufacturers can use the program to make parts catalogs and service manuals available to users for example their sales and service agents in an electronic online format." L0132126.</p>	<p><del>King discloses that a supplier creates a collection of three separate catalogs for searching: a Master Catalog, a Public Catalog, and Private Catalog. Fig. 1, 2:20-26; 7:5-29. The catalogs are published by suppliers. 3:15-56.</del></p> <p><del>"Referring to FIG. 2, the Electronic Catalog consists of the Supplier Master Catalog 108, the Public Catalog 106 and the Private Catalog 110." 3:61-63.</del></p> <p><del>The catalogs include data about items: "The Catalog Maintenance/Update function allows the addition of catalog items and includes the following fields: item name, commodity code, part numbers, description, prices, units of measure, package quantities, lead times, discounts, stock availability, etc." 4:55-59.</del></p>	<p>Dworkin discloses this element, as shown in Fig. 1:</p> <p>'In the preferred embodiment, the database may be the equivalent of thousands of catalogs of individual suppliers. 3:66-68. See also '172 claim 1c.</p>
						<p>At least two organized collections are disclosed: Host Data Base 20 and Local Data Base 50. See Fig. 3.</p> <p>Also, to the extent that ePlus reads the limitation to be met by Lawson's present system, i.e. it is sufficient to have products from multiple vendors in the database, the limitation is also met by Johnson.</p>					
selecting the product catalogs to search;	28b		'683 26b	selecting the organized collections to search;	<p>Indefinite. Although "product catalogs" appeared previously, it is not clear from "the product catalogs to search" whether all the product catalogs must be searched. If less than all, then "the product catalogs to search" has no antecedent basis.</p>	<p>Searches may be limited to a selection of catalogs by specifying a vendor number. 10:39-50; 15:14-26. Searches may also be limited by Distributor warehouse. 22:36-47.</p> <p>To the extent that ePlus reads the limitation to be met by Lawson's present system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by Lawson's prior art system. See also '516 1d.</p>	<p><del>P.O. Writer enabled a user to select a particular product catalog to search using the CATALOGUE ID (a "vendor identification code"). L0126501 &amp; L0126944-46. The system may contain multiple CATALOGUE IDs. SAP_083522.</del></p> <p><del>P.O. Writer accommodated catalogs of multiple vendors: "You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select." L0126552.</del></p> <p><del>See also '516 1d.</del></p>	<p><del>To the extent that ePlus reads the limitation to be met by Lawson's accused system, i.e., that the ability to search for products of specific vendors is sufficient, then the limitation is also met by J-CON and Lawson's prior art system.</del></p> <p><del>Searches may be limited to a particular manufacturer. "You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer you can select one or more manufacturers to search. To search by manufacturer press Mfgs or Enter to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search." L0123624.</del></p> <p><del>See also '516 1d.</del></p>	<p>As discussed above in connection with '516 1b, the catalog to be searched is determined by the customer via a "search facility that can locate every occurrence of word or phrase in either the current topic list of selected topics, the complete document or another document. A global character can be used to search for partial string." L0132128.</p> <p>See also '516 1d.</p>	<p><del>As discussed above in connection with '516 1b, the catalog to be searched is determined by the customer via the "Customer preferred path controller" disclosed at 2:26-34.</del></p> <p><del>See also '516 1d.</del></p>	<p>The user's catalog selection was described above in connection with '516 claim 1, particularly 1d.</p>





AGR

MIL 2-SSS

Asserted claim	Dep.		Equiv.			Shamos Opinion re Johnson et al. 5,712,989	Shamos Opinion re P.O. WRITER	Shamos opinion re J-CON	Shamos opinion re IBM TV-2	Shamos Opinion re King Jr. et al. 5,319,542	Shamos Opinion re Dworkin U.S. Patent 4,992,940
converting data relating to a selected matching item and an associated source to data relating to an item and a different source.	28f			substituting data relating to a requisition item and an associated source to data relating to an item and a different source	<del>There is no written description of "converting."</del>  <del>The step of converting is not enabled.</del>	"If host computer 10 does not find the item in the Distributor product data, it then searches one or more Host Cross Reference Tables for the item." 32:60-63.  "If the CSR has previously created a cross-reference entry in the Cross Reference Table (using Cross Reference Maintenance data screen 76) for the item, some or all of the information on Non-Catalog Information data screen 80 will be automatically filled in using the data associated with that stock number (of the vendor) in the Cross-Reference Table in local database 50." 10:50-56. "In the present system, the ordered item is likely not to be found in that file because (as described below) the local computer 40 will normally convert Customer stock numbers to Distributor catalog numbers using the Local Cross Reference Table before the data block is sent (see block 282 in FIG. 4C)." 33:9-14.	<del>To the extent ePlus accuses Lawson's system of possessing this element, i.e. through the use of UNSPSC codes, the reference and Lawson's prior art system also disclose the element.</del>  <del>This element is disclosed at L0126552, which shows a purchase order history screen listing different catalog numbers (first column) for the same item number (A1000) as listed by different vendors, e.g., Best Buy and Bayless. In order to produce this screen, P.O. Writer must possess the claimed "determination system." An example of the required table is shown on page L0126552, showing catalog numbers for items that are generally equivalent.</del>  <del>Cross-referenced items and identical items are shown in the table at L0126552</del>	<del>"Manufacturer conversion tables help your J-CON communicate with other computer systems that don't use the same manufacturer codes, sublines or pricing codes that you use. For example, your serving warehouse might use the manufacturer code DG for Detroit Gaskets while you use the code DET. The manufacturer conversion table converts the warehouses code to your J-CON code." L0124150.</del>  <del>"J-CON uses two types of conversion tables, vendor-specific and default. When communicating with another system, J-CON first looks to see if a table exists for the specific vendor and store. If there is not a vendor-specific conversion table, J-CON uses the default conversion table." L0124152.</del>	This step is not disclosed in the reference.	This step is not disclosed in the reference.	This step is not disclosed in the reference.
						"converting" and "substituting" have been construed to be synonyms. Therefore, see also '683 3f ("means for converting")  To the extent that ePlus contends that "source" means "vendor" and that the limitation is met by Lawson's present system, i.e., that different products from the same collection can be considered as coming from different "sources," the limitation is also met by Lawson's prior art system.	<del>"converting" and "substituting" have been construed to be synonyms. Therefore, see also '683 3f ("means for converting")</del>	J-CON had a sophisticated system for keeping track of equivalent items, dividing them into "Replaced Parts," "Substitute Parts," and "Can-Use Parts." L0123551. Furthermore, "Alternate Parts" and "Primary and Alternate Manufacturers" are disclosed at L0123613. A number of different methods of converting among item numbers is disclosed. Substituting an alternate part is described, e.g., at L0124837.			
29. The method of claim 28 further comprising the step of determining whether a selected matching item is available in inventory.		29		29. The method of claim 28 further comprising the step of determining whether a requisition item is available in inventory.	Claim 29 is invalid as depending from a claim which is indefinite and <del>for which there is no written description.</del>  Claim 29 is further indefinite because it cannot be determined whose "inventory" is meant. A matching item may be associated with multiple sources and it is not even clear whether any of those sources is meant or whether "inventory" refers to the user's own inventory, in which case it may not be necessary to create a purchase order.	The reference discloses an inventory management system, e.g., the title of the reference is "JUST-IN-TIME REQUISITION AND INVENTORY MANAGEMENT SYSTEM."  "FIGS. 4A through 4D are flowcharts describing programs employed by an embodiment of the system of the present invention to source requisitioned JIT inventory owned by either the distributor or the customer. other inventory owned by the Distributor. and inventory owned by other vendors." 2:46-51.  While the present invention is applicable to the management of inventory at the JIT facility 51 which is all customer-owned inventory 54. in most cases the JIT facility 51 contains only Distributor-owned inventory 52 or contains both types of inventory 52 and 54." 4:31-35.	<del>"The Inventory Control Module allows you to track on-hand inventory balances capture and report usage history and automatically generate Re-order Analysis as often as you like." L0126633.</del>  <del>The Inventory Control module is the subject of an entire manual at L0126148-395.</del>	<del>"In POS you can check a stocking part's available quantity, stock quantity, and price levels. .... With inventory inquiry, you can check stocking parts prices and availability." L0125060. The steps of determining whether a matching item is in inventory are shown at L0125060. See also "Warehouse inquiry" at L0125061.</del>  <del>"JIF Inquiry gives you inventory information about parts in your JIF. You begin JIF Inquiry by pressing JIF Inquiry from any field on the POS screen except WRKSTAT." L0123450.</del>  <del>"Warehouse Inquiry gives you inventory information about parts at your serving warehouse. You begin Warehouse Inquiry by pressing &lt;Whse Inquiry&gt; from any field on the POS screen except WRKSTAT." L0123451. Inventory inquiry is described in detail starting at L0123541.</del>	Claim 28 is not anticipated by the reference, but the step of claim 29 is identical to that of step 26f, which disclosed by TV/2.	<del>Claim 28 is not anticipated by the reference, but the step of claim 29 is identical to that of step 26f, which is obvious in light of the reference.</del>	Claim 28 is not anticipated by the reference, but the step of claim 29 is identical to that of step 26f, which is disclosed in the reference.